

By Mr. GARDNER of New Jersey: Petitions of C. D. Thompson and others, John J. Marshall and others, keepers and surfmen of life-saving stations, favoring bill to promote efficiency of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Resolutions of the Sixth Annual Convention of the Ohio Valley Improvement Association, for the improvement of the Ohio River and the construction of locks and dams at various points—to the Committee on Rivers and Harbors.

Also, petition of the National Association of Railway Postal Clerks, favoring the bill for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, petition of the National Association of Chiefs of Police of the United States and Canada, for the establishment of a national bureau of identification in Washington—to the Committee on the Judiciary.

By Mr. JACK: Resolutions of Charles S. Whitworth Post, No. 89, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill No. 5779, giving veterans preferment in public service—to the Committee on Reform in the Civil Service.

By Mr. JONES of Virginia: Petition of the heirs of Christopher Armat, of Spottsylvania County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MANN: Petition of Smith-Wallace Shoe Company and other firms of Chicago, Ill., praying for the removal of the duty on hides—to the Committee on Ways and Means.

Also, petition of the Saloonkeepers' Association of Blue Island, Ill., for the repeal of the war tax of \$1 per barrel on beer in the war-revenue act—to the Committee on Ways and Means.

By Mr. MORRELL: Petition of A. R. Barrett and other citizens of the Fifth Congressional district of Pennsylvania, in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. RUSSELL: Petition of citizens of Preston, Conn., for legislation to prohibit the sale of intoxicants in the Philippines and island possessions of the United States; for international treaty to prohibit liquor sales in Africa and the islands of the Pacific, and to prohibit liquor sales at Army posts, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, petition of American Federation of Labor, Union No. 8198, of Norwich, Conn., favoring the passage of House bill No. 7427, known as the eight-hour bill—to the Committee on Labor.

By Mr. SHATTUC: Petition of Sons of the American Revolution, for the purchase of Revolutionary battlefields and the establishment of same as national parks—to the Committee on Military Affairs.

By Mr. STARK: Petition of Louis Heimrod and 11 others, gangers and storekeepers in the Internal-Revenue Service, in the State of Nebraska, for sufficient appropriation to provide for them vacations without loss of pay—to the Committee on Appropriations.

By Mr. STEVENS of Minnesota: Protest of the board of water commissioners of St. Paul, Minn., against the passage of the bill for the relief of the widow of Isaiah Smith Hyatt—to the Committee on Patents.

By Mr. JAMES R. WILLIAMS: Papers to accompany House bill for the relief of Joseph Sullivan, late private, Company F, Fortieth Regiment Illinois Volunteer Infantry—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, January 12, 1901.

The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

We bless Thee, our Father, that through the growing influence of Thy Son and Thy Holy Spirit the sentiment of brotherly kindness among men has grown and is increasing, and finds itself with emphatic expression in this the highest political body of the nation. And now, as we come about the lately open grave of the late eminent senior Senator from Minnesota to pay the tribute of respect and affection to his memory, may all the best and noblest traits of his character come out, and may we respond to them with genuine and affectionate admiration and appreciation.

Let Thy blessing rest upon all the Senators, those who are detained at home by infirmity and indisposition, those who are here and to be present, and may this be a memorable day in the history of the Senate as it engraves the name and recollection of our departed friend and brother high among the statesmen of the nation. We humbly pray, through Jesus Christ, our Savior. Amen.

NAMING A PRESIDING OFFICER.

Mr. PERKINS called the Senate to order and said: The Secretary will read a communication from the President pro tempore of the Senate.

The Secretary (Mr. CHARLES G. BENNETT) read as follows:

UNITED STATES SENATE,
Washington, D. C., January 11, 1901.

I hereby name Mr. PERKINS, senior Senator from California, to perform the duties of the Chair during my absence Saturday, the 12th day of January instant.

WILLIAM P. FRYE,
President pro tempore.

Mr. PERKINS thereupon took the chair as Presiding Officer for to-day.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

INTERNATIONAL COPYRIGHT ACT.

The PRESIDING OFFICER (Mr. PERKINS) laid before the Senate a communication from the Commissioner of Labor, transmitting, in response to a resolution of January 23, 1900, a report on the effect of the international copyright law of the United States; which, with the accompanying papers, was referred to the Committee on Patents, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed the following bills and joint resolution:

- A bill (S. 415) granting an increase of pension to John Roop;
- A bill (S. 823) granting an increase of pension to Brice Davis;
- A bill (S. 946) granting an increase of pension to Stephen Johnson;
- A bill (S. 952) granting an increase of pension to Francis M. Porter;
- A bill (S. 993) granting an increase of pension to Edwin S. Anderson;
- A bill (S. 1240) granting a pension to Samuel Nichols;
- A bill (S. 1246) granting an increase of pension to Charles A. Perkins;
- A bill (S. 1280) granting an increase of pension to Alfred Hering;
- A bill (S. 1282) granting an increase of pension to Thomas G. Huff;
- A bill (S. 1456) granting an increase of pension to Fordyce M. Keitle;
- A bill (S. 1463) granting an increase of pension to Jasper Pitts;
- A bill (S. 1588) granting a pension to Eva Clark;
- A bill (S. 1627) granting an increase of pension to George B. Hayden;
- A bill (S. 1775) granting an increase of pension to Andrew J. Arnett;
- A bill (S. 2110) restoring the pension of John R. McCoy;
- A bill (S. 2305) granting a pension to Eliza D. Pennypacker;
- A bill (S. 2333) granting an increase of pension to James Osborn;
- A bill (S. 2486) granting an increase of pension to Susan Daniels;
- A bill (S. 2753) granting an increase of pension to David H. Morey;
- A bill (S. 2755) granting an increase of pension to Isaac N. Cissna;
- A bill (S. 2767) granting a pension to Nellie L. Parsons;
- A bill (S. 2777) granting a pension to Benjamin F. Trapp;
- A bill (S. 2819) granting an increase of pension to Henry Van Gelder;
- A bill (S. 2827) granting an increase of pension to Cornelius Schroder;
- A bill (S. 2834) granting an increase of pension to Ann E. Cluke;
- A bill (S. 2954) granting an increase of pension to Elam Kirk;
- A bill (S. 3079) granting an increase of pension to William Oliver;
- A bill (S. 3187) granting an increase of pension to Lunsford Ellis;
- A bill (S. 3223) granting an increase of pension to William R. McMaster;
- A bill (S. 3440) granting an increase of pension to George W. Harrison;
- A bill (S. 3512) granting an increase of pension to Samuel Schutz;
- A bill (S. 3517) granting an increase of pension to Adam Velten;
- A bill (S. 3522) granting an increase of pension to Eben E. Pushor;
- A bill (S. 3574) granting a pension to Julia Van Wicklen;
- A bill (S. 3624) granting a pension to Henry K. Davis;
- A bill (S. 3729) granting a pension to Prudence Reamer;
- A bill (S. 3954) granting an increase of pension to Caroline Z. Repetti;
- A bill (S. 3991) granting an increase of pension to Sylvester Solomon;
- A bill (S. 4105) granting an increase of pension to John Coombs;
- A bill (S. 4128) granting a pension to Hester A. Phillips;

A bill (S. 4191) granting a pension to Anna E. Littlefield;
 A bill (S. 4212) granting an increase of pension to Edyth M. Muck;
 A bill (S. 4241) granting an increase of pension to William T. Gratton;
 A bill (S. 4261) granting a pension to Frances M. Cellar;
 A bill (S. 4288) granting an increase of pension to Elizabeth Brooks;
 A bill (S. 4296) granting an increase of pension to Frances E. Childs;
 A bill (S. 4420) granting an increase of pension to James Irvine;
 A bill (S. 4548) granting an increase of pension to Albert A. Roberts;
 A bill (S. 4552) granting an increase of pension to Joseph Smith;
 A bill (S. 4553) granting an increase of pension to Benjamin Rippleman;
 A bill (S. 4555) granting an increase of pension to Stephen Longfellow;
 A bill (S. 4557) granting an increase of pension to Lucy E. Danilson;
 A bill (S. 4742) granting an increase of pension to Jesse F. Gates;
 A bill (S. 4771) granting an increase of pension to Gilbert F. Colby;
 A bill (S. 5231) relating to the accounts of United States marshals and clerks of the district courts of the Territory of Utah; and
 A joint resolution (S. R. 145) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President-elect, on March 4, 1901, etc.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER laid before the Senate the following telegraphic memorial from the legislature of the State of California; which was read, and referred to the Committee on Agriculture and Forestry:

[Telegram.]

STATE CAPITOL, Sacramento, Cal., January 10, 1901.

WILLIAM P. FRYE,

President of the Senate, Washington, D. C.:

I am directed by the senate of the State of California to transmit to you by telegraph the following joint resolution, No. 1, which was adopted by both houses of the California legislature on Tuesday, January 8, 1901. Kindly present same to your honorable body.

Senate joint resolution No. 1.

Whereas the quarantine which this State has maintained against the introduction of insects, pests, and plant disease had been of immeasurable benefit to our horticultural and agricultural interests; and

Whereas there is now before Congress a bill, which was introduced by Hon. Mr. WADSWORTH, and entitled "H. R. bill No. 96," and which bill provides for a national quarantine against such pests and plant diseases; and

Whereas the operation of this bill would be very beneficial to the horticultural interests, and especially to the citrus fruit industry: Therefore, be it

Resolved by the senate and assembly of the State of California jointly, That we respectfully but urgently request the Congress of the United States to enact said bill H. R. No. 96 at its present session, thereby securing to our horticultural interests immunity from further insect enemies, and to the citrus fruit growers freedom from the introduction of the orange fruit maggot.

Resolved, That the secretary of the senate be directed to immediately telegraph these resolutions to the honorable President of the Senate and the honorable Speaker of the House of Representatives of the United States.

Faithfully, yours,

FRANK J. BRANDON,
 Secretary of State.

The PRESIDING OFFICER presented the petition of Hon. George K. Nash, governor of Ohio, and of the Historical and Philosophical Society of Ohio, praying Congress to have copied and printed for distribution certain documents now in the archives of France, at Paris, relating to the territory acquired by the United States by the purchase of 1803, known as the Louisiana purchase; which was referred to the Committee on the Library.

Mr. ALLEN presented a petition of sundry citizens of Aurora, Nebr., praying that an appropriation be made for the extension of free rural mail delivery; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the board of trustees of South Sioux City, Nebr., praying that an appropriation be made for the improvement of the navigation of the Missouri River at and immediately above that city; which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of University Place and Valentine and of the Woman's Christian Temperance Union of Nebraska City, all in the State of Nebraska, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

He also presented a petition of sundry citizens of University Place, Nebr., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa; which was referred to the Committee on Foreign Relations.

He also presented sundry petitions of citizens of Cuming County, York, and Greeley, all in the State of Nebraska, praying for the

enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. NELSON presented a petition of sundry citizens of Stanton, Minn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Freeborn County, Minn., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. McLAURIN presented a petition of the Chamber of Commerce of Charleston, S. C., praying that an appropriation be made to enlarge the scope of the Geological Survey, so as to include in its operations the forests of South Carolina and the Eastern States; which was referred to the Committee on the Geological Survey.

He also presented a petition of the Chamber of Commerce of Charleston, S. C., praying for the establishment of a national forest reserve; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. TELLER presented a petition of the congregation of the First Baptist Church of Pueblo, Colo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and institutions under Government control; which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. McCOMAS presented the petition of Wilbur B. Mallalieu, of Baltimore, Md., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa, in Army canteens, in the Philippines, and in the Territory of Alaska, etc.; which was referred to the Committee on Foreign Relations.

He also presented a petition of Cloakmakers' Union No. 1, of Baltimore, Md., praying for the enactment of legislation to regulate the hours of daily labor of workmen and mechanics, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented a petition of the keeper and crew of the life-saving station at North Beach, Maryland, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which was referred to the Committee on Commerce.

He also presented the petition of Daniel P. Zimmerman and sundry other citizens of Frederick County, Md., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens and of the Woman's Baptist Home Mission Society, all of Baltimore, in the State of Maryland, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented the memorial of W. H. Thompson, jr., president of the National Live Stock Exchange, remonstrating against the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

REPORT OF A COMMITTEE.

Mr. McMILLAN, from the Committee on the District of Columbia, reported an amendment proposing an appropriation of \$50,000, to be expended under the direction of the Commissioners of the District of Columbia, for the erection and equipment of a power house and nurses' home to be erected at Providence Hospital, intended to be proposed to the District of Columbia appropriation bill, accompanied by a report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

PRESBYTERIAN CHURCH OF DARDANELLE, ARK.

Mr. MARTIN. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 827) for the relief of the trustees of the Presbyterian Church of Dardanelle, Yell County, Ark., to report it favorably without amendment, adopting the House report thereon.

Mr. JONES of Arkansas. Mr. President, if there is no objection, I ask the unanimous consent of the Senate that the bill may be considered at this time.

Mr. KEAN. Let the bill be read.

The PRESIDING OFFICER. It will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause to be investigated by the Quartermaster's Department of the United States Army the circumstances, character, and extent of the damages by United States troops during the late war to the church building and grounds of the Presbyterian Church of Dardanelle, Yell County, Ark., and the actual value of the material taken from the building and grounds, and to find and award and to certify to the Secretary of the Treasury what amount, if any, is equitably due to the trustees of said church from the United States as the reasonable value of the material taken and used; and the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to said trustees, or their successors, out of any money in the Treasury not otherwise appropriated, the amount, if any, so found to be due

from the United States, and not to exceed \$2,000; and the acceptance by said trustees of any sum paid under the provisions hereof shall be in full satisfaction of all claim, of every name and nature, for occupation and damage, or in any manner arising or growing out of the same.

Mr. SCOTT. I should like to have the report of the committee read, so as to show upon what recommendation the bill is to be passed.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report submitted by Mr. HENRY of Mississippi from the Committee on War Claims of the House of Representatives January 30, 1900, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 827) for the relief of the trustees of the Presbyterian Church of Dardanelle, Yell County, Ark., beg leave to submit the following report, and recommend that said bill do pass without amendment.

The evidence submitted shows that the church building was taken possession of by United States troops in 1864 and 1865, the building torn down, taken away, and used for military and army purposes.

In accordance with precedent, it seems to be the policy of Congress and the War Department to place churches in the same condition as when they were taken possession of by the United States, natural wear and tear excepted, or allow a reasonable amount in money in lieu of such repairs, but the committee is not willing that the value of such use and occupation shall be fixed by ex parte affidavits and without investigation by the proper department of the Government.

The committee therefore report the bill, referring the claim to the War Department for investigation, and recommend its passage.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was ordered to a third reading, read the third time, and passed.

JULIA CRENSHAW.

Mr. CLAY. I ask that the bill (S. 5019) granting an increase of pension to Julia Crenshaw be taken up and passed. It will not take exceeding half a minute.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "seventy-five" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia Crenshaw, widow of Frank F. Crenshaw, late captain of Company A, Twenty-eighth Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REV. WILLIAM T. M'ELROY.

Mr. LINDSAY. I ask unanimous consent for the present consideration of the bill (H. R. 3020) for the relief of Rev. William T. McElroy.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Rev. William T. McElroy, late of Louisville, Ky., \$265.20, being for rent of ground at Louisville, Ky., during the late war for the suppression of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FAIRBANKS. I ask unanimous consent for the present consideration of the bill (S. 5350) for the establishment of a sub-port of entry at Douglas, Ariz.

Mr. PETTIGREW. Mr. President, I demand the regular order.

The PRESIDING OFFICER. The Senator from South Dakota objects and demands the regular order, which is the introduction of bills and joint resolutions.

BILLS INTRODUCED.

Mr. FOSTER introduced a bill (S. 5542) to provide an American register for the steamship *Manauense* and the ships *Antiope* and *Balclutha*; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SCOTT introduced a bill (S. 5543) for the relief of the estate of R. McChesney, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5544) for the relief of the estate of J. H. McChesney, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McLAURIN introduced a bill (S. 5545) for the relief of the estate of Christopher W. Dudley, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5546) for the relief of the estate of François Lagleize, deceased;

A bill (S. 5547) for the relief of the estate of Peter and Margaret Turner, deceased; and

A bill (S. 5548) for the relief of Mrs. M. L. H. Blanchard.

Mr. NELSON introduced a bill (S. 5549) granting an increase of

pension to Horatio N. Davis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCOMAS introduced a bill (S. 5550) granting an increase of pension to Henry B. Schroeder; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5551) to waive and release all claims of the United States by way of escheat to the real estate in the District of Columbia of which Patrick Kavanagh or his sons, Charles W. Kavanagh and William Kavanagh, died seized; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5552) for the relief of Mrs. Mary Shannon, widow of Joseph R. Shannon, deceased, and administratrix of his estate (with an accompanying paper);

A bill (S. 5553) for the relief of Thomas N. Gott (with an accompanying paper); and

A bill (S. 5554) for the relief of Eugene L. Derr, administrator the estate of John Derr, deceased.

Mr. WARREN introduced a bill (S. 5555) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900; which was read twice by its title.

The PRESIDING OFFICER. The bill will be referred to the Committee on Territories.

Mr. PLATT of Connecticut. No; the original bill came from the Committee on Foreign Relations. I should think it should be referred to the Committee on Pacific Islands and Porto Rico.

The PRESIDING OFFICER. To what committee does the Senator from Wyoming desire to have the bill referred?

Mr. WARREN. I assumed that the Chair would know what committee would properly have charge of the matter. I had thought the Committee on Territories, as Hawaii is a Territory; but I have no preference.

Mr. LODGE. It should be referred to the Committee on Pacific Islands and Porto Rico.

The PRESIDING OFFICER. The Committee on Territories would naturally be the proper committee, but there was created, as the Senator is aware, a special committee upon Pacific Islands and Porto Rico.

Mr. WARREN. Let the bill go to that committee, then.

The PRESIDING OFFICER. It will be so referred, unless otherwise directed by the Senate. It is so ordered.

Mr. STEWART. I ask the unanimous consent of the Senate to have considered a very important bill.

Mr. PETTIGREW. I insist on the regular order, Mr. President. I shall object.

Mr. STEWART. I understand that the Calendar is in order, as we have gotten through with the morning business.

Mr. PETTIGREW. The morning business is not closed, and I insist on the regular order.

The PRESIDING OFFICER. The regular order is demanded. If there are no further bills or joint resolutions, concurrent or other resolutions are next in order.

AMENDMENTS TO BILLS.

Mr. MALLORY submitted an amendment providing for the improvement of the Cypress Top River north of the Choctawhatchee River, Florida, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HARRIS submitted an amendment intended to be proposed by him to the bill (H. R. 3369) to put in force in the Indian Territory certain provisions of the laws of Arkansas relating to corporations, and to make said provisions applicable to said Territory; which was referred to the Committee on Indian Affairs, and ordered to be printed.

STATIONERY ROOM OF THE SENATE.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. MORGAN, as follows:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate shall have the control of the officers of the stationery room of the Senate so as to inquire into and, from time to time, to report upon the conduct thereof.

Mr. HALE. As the Senator from Alabama is not present, I ask that the resolution may go over, retaining its place, until Monday.

The PRESIDING OFFICER. If there be no objection such will be taken as the sense of the Senate. The resolution will go over, retaining its place, until Monday.

Mr. NELSON. Is the morning business disposed of?

The PRESIDING OFFICER. The Chair will inquire if there

is any further morning business? There being none, the Senator from Minnesota is recognized for the purpose of proceeding with the special order.

MEMORIAL ADDRESSES ON THE LATE SENATOR DAVIS.

Mr. NELSON. Mr. President, I offer the resolutions which I send to the desk.

The PRESIDING OFFICER. The Secretary will read the resolutions.

The Secretary read the resolutions, as follows:

Resolved, That it is with deep regret and profound sorrow that the Senate hears the announcement of the death of Hon. CUSHMAN KELLOGG DAVIS, late a Senator from the State of Minnesota.

Resolved, That the Senate extends to his family and to the people of the State of Minnesota sincere condolence in their bereavement.

Resolved, That, as a mark of respect to the memory of the deceased, the business of the Senate be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Secretary transmit to the family of the deceased and to the governor of the State of Minnesota a copy of these resolutions, with the action of the Senate thereon.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That, as an additional mark of respect, at the conclusion of these exercises the Senate do adjourn.

Mr. NELSON. Mr. President, Senator CUSHMAN KELLOGG DAVIS, of Minnesota, died in the sixty-third year of his age, at his home in St. Paul, on the 27th day of November, A. D. 1900, after a lingering sickness of more than two months. He died in the public service, in the full maturity of his great mental vigor, at a time when he was better equipped than ever to serve his country, and at a time when his country stood in need of his sound judgment, profound wisdom, and vast experience in public affairs.

He was born at Henderson, Jefferson County, N. Y., on the 16th day of June, A. D. 1838. On his maternal side he was a direct descendant of Mary Allerton, the last survivor of that heroic band that landed from the *Mayflower*, and his paternal ancestry was also of good Puritan stock. When he was 2 months old his parents moved to the neighborhood of Waukesha, Wis., where his father engaged in the pursuit of farming for the next fifteen years, during which period he led the usual life of a farmer's son on the farm.

He was an intellectual and highly gifted youth, and his vigorous mental faculties were trained and developed in the district school, in Carroll College, and in Michigan University, from whence he graduated in 1857. He immediately thereafter took up and followed the study of the law, became a member of the Waukesha bar in 1859, and remained in active practice till 1862, when he entered the Army as first lieutenant of Company B, of the Twenty-eighth Wisconsin Regiment, in the civil war. He served with distinction in the Army until 1864, when, on account of poor health, he was compelled to resign.

In 1865 he moved to St. Paul, Minn., and took up the practice of the law, and soon became noted as one of the ablest, most prominent, and most eloquent members of the bar, with a large and lucrative practice.

He was a member of the legislature in 1867, United States attorney for Minnesota from 1868 until 1873, and governor of the State in 1874 and 1875. He was one of the regents of the State University from 1882 till 1898, and in 1887 was elected United States Senator, and reelected in 1893 and 1899. He was chairman of the Committee on Foreign Relations in the United States Senate from March, 1897, till his death, and was one of the commissioners who negotiated the treaty of Paris with Spain.

This, in brief, is the mere outer shell of his extensive public career, and gives us but a scant clew to his greatness and worth. To trace his life, the development of his vigorous mind, and its wonderful resources from youth to manhood, from a great lawyer to a profound statesman and leader, is to scan a human epic, marvelous and inspiring in its progress and grand and enduring in its results and outcome. He was equipped with a mind of the first order, eager, thirsty, and searching. In his youth he was a most ardent and omnivorous student, to whom his lessons were but the doorsteps to the great sanctuary of knowledge, which he was ever exploring. He became a devouring student of history, philosophy, and poetry at a time when most youths are tethered to their arithmetic, their grammar, and their geography. And so it came to pass that when he finally parted with his alma mater he carried away with him a much richer and a much greater wealth of human knowledge than that embraced in the college curriculum.

The trend of his mind and its comprehensive development inevitably turned him to the legal profession, and it was in this field that he first made his mark and first scored his great victories. He was a most profound lawyer, who mastered the great fundamental principles of the law that govern human affairs, and he had the intuitive faculty to correctly apply these to the manifold transactions of an ever-expanding civilization. In practice he was always ready and always a complete master of the evidence, the facts, and the law of his case, and his eloquence was of

a character to instruct, impress, and convince both court and jury, and he was equally at home and equally strong both in a nisi prius and in an appellate court. I can truthfully bear witness to these facts, for it has been my privilege to contend with him at the bar and to hear him while I was sitting as one of the judges in a court of impeachment.

When he was first elected to the Senate he was easily and without dispute the foremost member of the bar in Minnesota. And though he was a most busy lawyer, he never allowed the law to congeal the innate kindness of his noble and sympathetic heart. He was always kind and helpful to the young and struggling practitioner, and he never turned away a penniless client who had a meritorious case. He loved the profession, and he was beloved and admired by his associates, young and old. Few lawyers can point to a grander, a more successful, or a nobler career at the bar.

Though absorbed in his profession and ever a busy lawyer, he nevertheless always kept in touch with public affairs, and was always ready to lead and to guide the impulse and heart of our people in their aspirations for relief and reform. I well remember when, in the early seventies, there was a great uprising among the people of the Northwest against the exactions of the railroads, how he became the acknowledged leader of the movement and how, in his great speech, entitled "Modern feudalism," he voiced in most eloquent and convincing terms the grievances complained of and the reforms desired by the masses of the people. That speech, which he delivered in many places, and his attitude on those great questions of public concern led him into the governor's chair, came near sending him to the United States Senate at that time, and forever endeared him to all our people, who from that day never ceased to have confidence in his integrity, his wisdom, and his honesty of purpose. While the movement which he thus led did not result in all the relief and reforms he and the masses hoped for, yet it resulted in establishing the fact, which had been in dispute, that railroad corporations are the servants of the public and are amenable to public control.

After one term in the executive chair he again resumed his calling as a lawyer, with more success and greater vigor than ever before. And in the meanwhile, though not in office, he remained one of the acknowledged leaders of the Republican party in the State, and was always ready and active to battle for the cause and for the best interests of the people.

In 1887, in obedience to a universal and pressing demand of our people, the legislature elected him to the United States Senate. And he came here, in the maturity of his great power and vast experience, better equipped and better fitted for the great work before him than most men who enter the Senate. He came here in middle life, with a most vigorous mind, an accomplished lawyer, a profound student, and a learned scholar, well versed in public affairs. He at once became prominent and one of the leaders of the Senate, but it was not until he became chairman of the Committee on Foreign Relations and our controversy with Spain became acute that his true forum was found and his great abilities were given that field of statesmanship and diplomacy for which he was so well gifted and equipped. In that place and in that field he was easily the first and our recognized leader and guide. No one was better versed than he in the diplomatic history of our country, and no one had studied more deeply and was more familiar than he with all the complicated and varied relations of our country with foreign nations.

His speeches and his reports on our relations with England, with Spain, on our war with Spain, and on the treaty of Paris were epics of wisdom and eloquence scarcely ever excelled. He exhausted and rendered clear and lucid the most profound and most intricate problems of diplomacy and statecraft. When he had spoken there was little, if anything, more to be said on the subject. While he seemed listless and indifferent to the mere routine work of the Senate, yet when great questions were at stake and great problems were to be solved, he was always vigilant and always on the alert. He studied and passed upon public affairs, both at home and abroad, with the instinct and purpose of a statesman, and never in the spirit of a mere timeserver or politician. His entire heart and his whole soul were wrapped up in his great work, and he was so absorbed by it that he seemed at times oblivious to all else. He was an orator of the highest and best type, clothing the most profound thoughts in the most choice and most chaste of rhetoric. His speeches, unlike most orators', were even more impressive, more captivating, and more convincing in the reading of them than in the delivery. In his case the hearing served to whet the appetite for the reading of his speeches, and the reader always discovered beauties of thought and diction that had escaped him in the delivery. His oratory was classic, but of a modern type, fraught with facts and arguments of the most convincing and exhaustive character.

While his work at the bar and in the public service absorbed most of his time and attention, yet he always devoted a share of his time to the pursuit and study of literature and history. He was a profound Shakespearean scholar, thoroughly familiar with

the life and all the works of that great genius. His book entitled *The Law in Shakespeare* shows how thoroughly he entered into the spirit and how fully he mastered and understood the broad and profound range of human knowledge and human wisdom possessed by that great high priest of tragedy, comedy, and song. He not only discovered the "law" in Shakespeare, but he also fathomed that profound analysis of the motives and main-springs of human action so preeminent in the great poet.

He himself of an heroic turn of mind, he naturally and irresistibly became attracted to that most wonderful and most startling of modern heroes, Napoleon. He was one of the most thorough and most profound students of the life, the mission, and the work of this great man—familiar with every phase of it so far as known to human vision. There was scarcely a book upon Napoleon, in English or in French, that he did not have in his library and had not read and mastered. The study of the life of the great hero in all its varied phases charmed him, chastened him, and buoyed his spirit in the somber and perplexing moments of his life. There are trying and tempestuous moments in the lives of men when the music of the hurricane is a solace, a relief, and a rest. To him Napoleon was the spirit in that mighty whirlwind that crushed the feudalism of ages and paved the way to the democracy of modern times. He dearly loved a good novel, not so much for the mere story as for the insight it afforded him of mental and moral evolutions, and especially for the great relief and rest it gave him from the study of the difficult and profound problems entailed upon him as a lawyer, a legislator, and a statesman. Many a long and weary night, when he was too tired to sleep, he bathed his aching brows and found relief in Dickens, Thackeray, Bryant, Elliott, Cooper, Irving, Scott, and other great novelists. These were a sweet lullaby to his weary but restless spirit.

In the field of history he was a profound student and a great explorer, with a tenacious memory and a discriminating and analytic judgment. He was versed in the history of all the leading nations of ancient and modern times, and he was especially familiar with and at home in the history of our own country, of England, and of France. His great knowledge in this field was a supplement to his training as a lawyer, and it was because he was thus doubly equipped that he was so thorough, exhaustive, and effective in diplomacy and all that pertained to our foreign affairs.

The society that charmed him most and to which he was most devoted was his fine and extensive collection of books in his own library. Here he felt thoroughly at home and was never lonesome. His books were a part of his life, and his dear associates. Here, more than anywhere else, he loved to meet his friends, to converse with them on literature, history, and affairs of State, and to introduce them to his mute companions. Here he seemed possessed of an inspiration that made him more charming and nearer and dearer to his friends than anywhere else. It was his holy of holies, sacred to him, and, because of that fact, sacred to those who communed with him there.

His patriotism was of the loftiest and purest kind. He loved his country, not as a heathen loves his idol, but as a parent loves his child. He loved his country because it is noble and just and because it is the home of liberty, tempered with law, wholesome, blessed, and untarnished. He abhorred all show and sham, and scorned all posing and display. There was nothing trifling nor fictitious in his nature. He was sincere, conscientious, and fearless, both in private and public life, and while he was most kind and approachable to all, yet he was choice and deliberate in his friendships. He looked for loyalty and good faith, and once assured of that he yielded his whole heart and his whole soul, under all emergencies, to his friends. To me he was on all occasions most kind and helpful.

I feel his loss most deeply. His death has left a void in my heart which none can fill. We all miss him in the Senate—miss him for his goodness, kindness, and great worth; miss him for his wisdom, his eloquence, and noble example. His death was a great bereavement, not only to his friends and to his associates, but to the entire country. There are some gaps in the line of battle that can be easily filled, but that gap in the line of battle he held when he passed away no one can fill as completely and as truly as he did. No public man had a warmer place in the hearts of the people than he had. I have never seen a larger funeral than his. It was attended in large numbers by young and old, in all walks of life, from all parts of the State. They came in no perfunctory mood, but in a spirit of heaviness, grief, and sorrow, as though each had been bereaved of his dearest and most beloved of friends. There were many beautiful flowers placed as tokens of grief and affection over his remains, but the most impressive and most inspiring tokens were the silent tears that trickled on the cheeks of so many sad faces on that day. His mortal remains have been laid away in their final resting place, but the spirit of his life, his mission, and the great work he wrought will remain with us as a token, as an example, and as an inspiration for all time to come.

When can his glory fade?
Oh, the brave charge he made.

Mr. HOAR. Mr. President, there is no Senator who would not be glad to lay a wreath of honor and affection on the monument of CUSHMAN K. DAVIS. That, however, is more especially the right of his colleague and his successor and the members of the great committee where he won so much of his fame. I ought to say but a few words.

The Senate, as its name implies, has been from the beginning, with few exceptions, an assembly of old men. In the course of nature many of its members die in office. That has been true of thirty-eight Senators since I came to the Capitol. Others, a yet larger number, die soon after they leave office. Of the men with whom I have served in this Chamber fifty-eight more are now dead, making in all ninety-six, enough and to spare to organize another Senate elsewhere. To that number has been added every Vice-President but two. Upon those who have died in office eulogies have been pronounced in this Chamber and in the House. The speakers have obeyed the rule demanded by the decencies of funeral occasions—*nil de mortuis nisi bonum*—if not the command born of a tenderer pity for human frailty—*jam parce sepulto*. But in general, with scarcely an exception, the portraits have been true and faithful. They prove that the people of the American States, speaking through their legislative assemblies, are not likely to select men to represent them in this august assembly who are lacking in high qualities either of intellect or of character. However that may be, it is surely true of Mr. DAVIS that whatever has been or will be said of him to-day, or was said of him when the news of his death first shocked the country, is just what would have been said when he was alive by any man who knew him. I have served with him here nearly fourteen years. I have agreed with him and I have differed from him in regard to matters of great pith and moment which deeply stirred the feelings of the people, as they did mine, and doubtless did his own. I never heard any man speak of him but with respect and kindness.

Of course, Mr. President, in this great century which is just over, when our Republic—this infant Hercules—has been growing from its cradle to its still youthful manhood, the greatest place for a live man has been that of a soldier in time of war and that of a statesman in time of peace. CUSHMAN K. DAVIS was both. He did a man's full duty in both. No man values more than I do the function of the man of letters. No man reveres more than I do the man of genius who in a loving and reverent way writes the history of a great people, or the poet from whose lyre comes the inspiration which induces heroic action in war and peace. But I do not admit that the title of the historian or that of the poet to the gratitude and affection of mankind is greater than that of the soldier who saves nations, or that of the statesman who creates or preserves them, or who makes them great. I have no patience when I read that famous speech of Gladstone, he and Tennyson being together on a journey, when he modestly puts Mr. Tennyson's title to the gratitude of mankind far above his own. Gladstone, then prime minister, declared that Tennyson would be remembered long after he was forgotten. That may be true. But whether a man be remembered or whether he be forgotten; whether his work be appreciated or no; whether his work be known or unknown at the time it is accomplished, is not the test of its greatness or its value to mankind. The man who keeps this moral being, or helps to keep this moral being we call a State in the paths of justice and righteousness and happiness, the direct effect of whose action is felt in the comfort and happiness and moral life of millions upon millions of human lives, who opens and constructs great highways of commerce, who makes schools and universities not only possible but plenty, who brings to pass great policies that allure men from misery and poverty, and oppression, and serfdom in one world, to free, contented, happy, prosperous homes in another, is a great benefactor to mankind, whether his work be accomplished with sounding of trumpets, or stamping of feet, or clapping of hands, or the roar and tumult of popular applause, or whether it be done in the silence of some committee room, and no man know it but by its results.

I am not ready to admit that even Shakespeare worked on a higher plane, or was a greater power on earth, than King Alfred or George Washington, even if it be that he will survive them both in the memory of man. The name of every man but one who fought with Leonidas at Thermopylae is forgotten. But is Æschylus greater than Leonidas, or Miltiades, or Themistocles? The literature of Athens preserves to immortality the fame of its great authors. But it was Solon, and Pericles, and Miltiades that created and saved and made great the city, without which the poets could not have existed. Mr. Tennyson himself came nearer the truth than his friend Mr. Gladstone when he said:

He
That, through the channels of the state,
Conveys the people's wish, is great;
His name is pure, his fame is free.

There have been soldiers whose courage saved the day in great decisive battles when the fate of nations hung in the scale, yet

whose most enduring monument was the column of smoke which rose when their death shot was fired. There have been statesmen whose silent influence has decided the issue when the country was at the parting of the ways, of whose service history takes no heed. The great Ohio Territory, now six imperial States, was twice saved to freedom by the almost unnoticed action of a single man. With all respect for the man of letters, we are not yet quite ready to admit that the trumpeter is better than the soldier, or the painter greater than the lion.

There is no need of many words to sum up the life and character of CUSHMAN DAVIS. His life was in the daylight. Minnesota knew him. His country knew him and loved him. He was a good soldier in his youth, and a great Senator in his maturer manhood. What can be said more, or what can be said better, to sum up the life of an American citizen? He offered his life for his country when life was all before him, and his State and his country rewarded him with their highest honor. The great orator and philosopher of Rome declared in his youth, and repeated in his age, that death could not come prematurely to a man who had been consul. This man surely might be accounted ready to die. He had discharged honorably life's highest duty, and his cup of honor and of glory was full.

We are thinking to-day of something more than a public sorrow. We are mourning the loss of a close and delightful companionship, a companionship which lightened public care and gave infinite pleasure to private intercourse. If he had never held office, if his name had never been heard even beyond the boundaries of a single municipality, he would have been almost anywhere a favorite and foremost citizen. He was, in the first place, always a gentleman, and a true gentleman always gives tone to any company in which he is found, whether it be among the rulers of States or the humblest gathering of friendly neighbors. Lord Erskine said on a great occasion:

It is impossible to define in terms the proper feelings of a gentleman; but their existence has supported this country for many ages, and she might perish if they were lost.

Certainly our friend had this quality. He was everywhere a gentleman. He met every occasion in life with a simple and quiet courtesy. There was not much of deference in it. There was no yielding or supplication or timidity in it. I do not think he ever asked favors, though no man was more willing to grant them. But there is something more than this in the temper of which I am speaking. The man who possesses it gives unconsciously to himself or to his associates tone to every circle, as I just said, in which he is found. So, wherever he was, his manner of behavior prevailed, whatever might have happened to the same men if they had been left alone.

Senator DAVIS was a man who kept well his own counsel. He was a man to whom it was safe for other men to trust their counsel. His conversation, to which it was always a delight to listen, had no gossip in it. Still less had it ever anything of ill nature or sarcasm. He liked to share with a friend the pleasure he took in finding some flower or gem of literature which, for long ages till he found it in some out-of-the-way nook, had—

Blushed unseen,
And wasted its sweetness on the desert air.

He had what Jeremy Taylor calls "the great endearment of prudent and temperate speech."

His conversation was sparkling and witty and full of variety, but no spark from him was ever a cinder in the eye of his friend.

He had a learning rare among public men, and, for its variety, rare, I think, among scholars. He would bring out bits of history, full of interest and instruction, from the most obscure sources, in common conversation. He was an excellent Latin scholar. He had read and mastered Tacitus, and a man who has mastered Tacitus has had the best gymnastic training of the intellect, both in vigor and style, which the resources of all literature can supply.

One secret of his great popularity with his companions here—a popularity I think unexcelled; indeed, I incline to think, unequaled by that of any other man with whom I have served—is that to which the late Justin Morrill owed so much. He never debated. He rarely answered other men's arguments, never with warmth or heat. But he was exceedingly tenacious of his own opinion. He was, in the things he stood for, as unyielding as flint and true as steel. But his flint or steel never struck out a spark by collision with any other. He spoke very rarely in debate, in general only when his official place on his committee, or something which concerned his own constituents especially, made speaking absolutely imperative. Then he gave his opinion as a judge gives it, or as a delegate to some great international council might be supposed to give it; responsible for it himself, but undertaking no responsibility for other men's opinion or conduct; never assuming that it was his duty or within his power to convert, or change, or instruct them, still less to chastise them. Whether that way be the best way for usefulness in a deliberative body, especially in a legislative body of a great popular government,

I will not undertake now to say. Certainly it is not the common way here or elsewhere. It is very rare, indeed, that any man possessing the great literary and oratorical power of Mr. DAVIS, especially a man to whom nobody ever thought of imputing timidity or undue desire to enjoy public favor, or want of absolute confidence in his own opinions, will be found to refrain from employing these qualities to persuade or convince other men.

He had a wonderful judgment as to what the Senate would do. He was never afraid of his convictions or unwilling to make them known. But he did not like to butt his head against walls. He sought to find and to accomplish the best thing that the people would bear, and to accomplish their best aspiration and desire. He liked to put in his work at the turning point of a measure and not to waste his force either against the inevitable or in advocating that the success of which was already assured.

He had a rare and exquisite gift which, if he had been a man of letters and not a man engaged in a strenuous public life, would have brought him great fame. Once in a while he said something in private, and more rarely, though once or twice, in a public speech, which reminded you of the delicate touch of Hawthorne. His likening President Cleveland and Mr. Blount, looking upon the late royalty of the Sandwich Islands with so much seriousness, to Don Quixote and Sancho Panza taking in great earnest the spectacle of a theatrical representation at a country fair and eager to rescue the distressed damsel, was one of the most exquisite felicities of the literature of the Senate.

He had great pride in his ancestry, and was a great lover of the history of New England and Plymouth, from which they came, though he never gave himself airs on account of it. He was a descendant of Robert Cushman, the preacher of the Pilgrims, whose service was in a thousand ways of such value to the little colony at Plymouth. Yet it had never happened to him to visit the scenes with which the feet of his ancestors had been so familiar, until a few years ago he did me the honor to be my guest in Massachusetts, and spent a few days in visiting her historic places. He gazed upon Boston and Plymouth and Concord reverently as ever Moslem gazed upon Mecca or the feet of palmer stood by the holy sepulcher. That week to him was crowded with a delight with which few other hours in his life could compare. I had hoped that it might be my fortune and his that he might visit Massachusetts again, that her people might gather in her cities to do him honor, and might learn to know him better, and might listen to the sincere eloquence of his voice. But it was ordered otherwise.

There are other things his country had hoped for him. She had hoped a longer and higher service, perhaps the highest service of all. But the fatal and inexorable shaft has stricken him down in the full vigor of a yet strenuous manhood. The great transactions in which he had borne so large a part still remain incomplete and their event is still uncertain.

There is a painting which a great Italian master left unfinished. The work was taken up and completed by a disciple. The finished picture bears this inscription: "What Titian left unfinished, Palma reverently completed and dedicated to God." So may our beloved Republic find always, when one servant leaves his work unfinished, another who will take it up and dedicate it to the country and to God.

Mr. MORGAN. Mr. President, if the purpose of these obsequies was only to eulogize the friend who so well deserved the esteem of his colleagues and so moved the Senate at all times with regard and affection for his generous and amiable traits, I would accomplish my part of this melancholy duty by repeating in your hearing the simple call of recognition, "The Senator from Minnesota," which never failed to attract the attention of the Senate or to give us pleasure.

If CUSHMAN K. DAVIS were here to-day to receive that recognition from the Chair, in this important time of serious counsel and debate, the Senate would feel stronger and safer in forming the new lines of public policy and duty upon which we must enter, so that we shall not fall short of the demands that have fallen upon us to try the strength of our courage, our fidelity to our country, and our confidence in the plan and principles of republican government.

His absence from the Senate is keenly felt at this time because the conditions for which we are now engaged in providing were, in a large part, created by measures in which he had a leading influence.

It is, perhaps, as just a tribute to his abilities and acquirements as could be stated to say of him that he was fully equipped for the questions that have arisen from the war with Spain, questions that are new to us and now excite anxious inquiry.

The Senator from Minnesota always remembered the dignity, honor, and restraining influence of that high official title.

It has a singular place of distinguished honor among the titles that have been bestowed by governments upon public servants who have been intrusted with powers of great magnitude.

The Roman senators, with all their power and glory, and the

French senators for life, in the wide scope of their power and influence, have not been representatives of great sovereignties in a grand council of States, such as the Senate of the United States, which sits as a high court of final jurisdiction on all questions of impeachment, and is coordinate with the Chief Executive in the treaty-making power, and has a voice that can not be stifled in the enactment of all the laws for the government of this grand Union of equal States.

The history of the American Senate includes in its list of Senators who have passed away many illustrious names that are not darkened by comparison with any lawmakers who have ever lived.

But it is not the illustrious men who have occupied this great forum that have given to the Senate its real or entire value in the estimation of the world. That estimate is due to the character of the labors of the great body of Americans who have held commissions in this high council of sovereign States, which opened with the establishment of the Government of the United States and has continued in uninterrupted organization, without one moment of interregnum.

The Senate is the only permanent controlling body in the Government of the United States. There is always a quorum of qualified Senators in commission, and the transfer of the executive power from the hands of one President to another, and of the political power from one Congress to another, by elections, has no effect upon the Senate to suspend its powers under the Constitution, but only in some cases to suspend their full exercise, to await the concurrent action of other departments of the Government.

In this sense the Senate is the custodian of the vital and continuing power of the Federal Republic, while the States, as perfect civil governments, are the repositories of the sovereignty of the people.

In this great function the Senate is endowed by the Constitution with a power and majesty that no other tribunal has ever worn, and in comparison with which the mythical power derived from a strain of royal blood or the prerogatives of an imperial scepter are only a deceptive refuge of nations that have no faith in themselves. The Senator who appreciates the honor of a commission in this body, and is sensible of the duties it enjoins and of the wide opportunity it offers for bestowing blessings on his country and the world, will sedately reckon with himself upon the fitness of his conduct and the pure impartiality and justice of his utterances and his votes upon all occasions and with reference to all questions that arise. He will not set his personal success, or renown, as a star in the heaven of his ambitious aspirations, to which he will direct the course of his journey. He will be content to do the duty that falls to him faithfully, according to his ability, and leave the reward, that never fails, to the judgment of his colleagues and the approval of the people.

Of the many great and worthy men who have held commissions in the Senate only a few have reached the zenith of fame.

When we turn over the leaves of our statute books and examine the vast number of laws whose real authors are forgotten, and see the care and wisdom bestowed in their enactment and the history they record, and the strength, harmony, and justice of this wonderful system of statutory jurisprudence, we bow with reverence to the memory of these great but silent artificers of a true and noble temple of justice, in which wisdom, truth, and virtue preside. The stars differ in magnitude, but every star that is set in the firmament adds its ineffable light to the heavens, though no human hand can place them in their true position on a map.

Mr. DAVIS won a high place in the Senatorial galaxy, which is distinctly marked with the imperishable legend of "plain duty honestly performed with laborious care," and is crowned with the light of brilliant endowments.

He left nothing to chance and never omitted to dig the foundations of his structures to what he believed was the solid rock of truth. He was among the toilers of the Senate to whose industry in research the country owes a safe deliverance from many unseen dangers and an honest debt of gratitude. We are paying only a part of that debt in these obsequies. The people will pay the balance in ample rewards of fame.

A standard has been established by the growth of opinion in the Senate and the country, the advanced line of which is at least as high as any nation has established for the highest rank in statesmanship and forensic eloquence. Three great Senators have occupied that line without dissent, and others who have passed away are noted by our country for places on that line.

It is not expected that any will surpass Clay, Webster, and Calhoun, and it is not within the scope of the true Senatorial aspiration to reach sublimer heights than these immortals occupy, but their example stands as an invitation to all who fully value the honor, and dutifully toil to reach this supreme distinction to which they have attained.

This door is closed to any man whose motive is mere self-assertion, and who prefers notoriety to renown. The brilliant Senator, whose early death we deplore, may have had very high aspira-

tions, for he had great abilities, but he sought his honors through toil, fidelity, and holy love of his native land.

Perhaps his strongest sentiment, with reference to his conduct as a Senator, was a dutiful regard for the dignity and reputation of this great tribunal. He sank himself in his character of Senator.

In his associations in the Senate and on committees his deference to the rights and opinions of his colleagues was sincere, courteous, and graceful. I do not recall an incident in all his career in which he was discourteous or brusque toward an opponent. Not that he avoided any stress of earnest contention in debate, nor that he yielded his convictions to the opposing views of anyone, however highly thought of as authority, but because he felt that the freedom of discussions, which he always approved, is an illusion when it is cramped by the weight of high authority and is sometimes destroyed by the use of epithets, censoriousness, irritating criticism, and grosser forms of detraction.

Mr. DAVIS never so far forgot the high office he held as to use his powers, which were ample, as a learned and able man, to force an opponent to the wall or to subject him to ridicule. When a Senator is thus assailed, if he is in the line of duty, the blow falls upon a sovereign State. Such a blow he would never wantonly inflict.

When he was placed at the head of the Committee on Foreign Relations he reached a field of opportunity in which his abilities would find their highest development in the service of the country.

He was a careful and deeply interested student of the history of our diplomatic relations with foreign countries. His tastes for eloquent literature and his legal acumen in the analysis of statutes and treaties, worded with the highest skill to cover or else to leave open debatable ground, led him into profound studies of the history and art of diplomacy.

He took a proud interest in the history of the single century of American diplomatic correspondence, and traced with enthusiasm the ground over which our infant Republic led the ancient empires of the earth as a pioneer in new lines of progress that led, without faltering, up to the highest planes of Christian civilization that have yet been occupied.

When he took that chairmanship he had unusual wealth of preparation for the discharge of its duties, and he soon made a record of such high value in his reports that the Senate relied upon his judgment and accepted his advice with unusual confidence. While he was chairman of that committee he was invited by the President of the United States, in company with two of his Senatorial colleagues and other distinguished persons, to negotiate a treaty of peace with Spain.

I will not attempt to present the history of that remarkable negotiation, in which the highest skill and learning were employed, and the most anxious and trying appeals to international forbearance and sensibility were addressed to our commissioners. It was not an effort to repress the wrath of contending nations, verging to the point of armed collision, but the demanding of justice for the stronger, at the close of an armistice that followed the most sudden and complete overthrow of sovereign power in lost possessions that had occurred in modern times.

The proud Empire that had held all Europe obedient to her pleasure and other continents and archipelagoes as feudatories was yielding her last possessions in the East and West Indies to a Republic that was younger by a century than any vice-royalty she had established in the Western Hemisphere. This advance from despotism to liberty was on the ground of her inability to do the justice to her dependencies that is required by the advance in human liberty now demanded by the code and creed of all Christendom, and the United States were constrained to lead it.

It was an occasion to move the sympathies of the European nations to their greatest depths, and they looked on with scrutinizing jealousy while the diplomatic contest continued at Paris.

In that noble body of American commissioners Mr. DAVIS was conspicuous for his learning, his tact, and his fearless advocacy of the right. It was a contest so notable that it will stand for a high precedent in later ages, and so satisfactory in the argument and the results that it has silenced criticism and has excited the admiration and invoked the good will of all the nations.

It was a task of self-denial that was never before presented to a conquering power—that we claim nothing for war indemnity, while paying for all the public property surrendered, and for all the devastations of a long civil war that Spain had inflicted upon our own people.

This task was assumed and this expenditure of more than \$200,000,000 was made for no other reason—besides the preservation of our domestic peace—than to give the people of the Spanish islands the relief from despotism that can only be found in a government republican in form, one of whose cardinal principles is the divorce of church and state.

This great task was assumed by our commissioners in the treaty of Paris, and we are now engaged in working it out by the repression of a rebellious oligarchy among some of the people whom we undertook to redeem from the iron heel of the Spanish Empire.

Then, as now, the motive is the same, the high resolve is unchanged, and the decree is final, that the spirit of Republican constitutional liberty, which has driven out monarchy will also expel the curse of political brigandage and of sectarian and class rule from these islands, thereby providing that the people shall, indeed, be free and self-governing.

Doubtless this was the triumph that the noble American Senator had hoped to share with his colleagues in the accomplishment of this work that caused him to express, with tears, on his dying bed the pathetic words: "Oh, that I could live for three years to serve my country!"

He did not live, but "his works do follow him."

Two great and novel alternatives were presented to our commissioners in the negotiations at Paris as to Porto Rico and the Philippines, alike. They were whether we should annex those islands or whether we should abandon them to Spain.

The choice of annexation was inevitable, yet it was a great trial. Spain claimed the Philippines with the anxiety of a lion deprived of its prey, and we resisted that claim with the firmness that had already inscribed on our banners "Deliverance to the oppressed."

On that commission and afterwards in the Senate Mr. DAVIS and his Senatorial colleagues stood by this great purpose, and it became the supreme law of the land.

The fame that is thus interwoven with these events will grow brighter as time grows longer and nations grow greater and divine truth spreads its dominion over the nations now in darkness. That it taxes us with new duties that may be perilous is the just result and the honorable compensation, the true recompense of reward, for the wonderful increase of power that has been almost suddenly bestowed upon us.

"To whomsoever much is given, of him shall much be required," is as true of nations as it is of men.

The treaty of Paris places upon this Republic its first crucial test, its real trial of strength. In war we won our liberties from the proudest nation in the world. In war we settled a new basis of those liberties upon broader foundations. In war we have expanded our territories half around the world and have defended the freedom of religion in the heart of pagan China. In war we have prospered as no other nation has prospered, even in peace. Yet our mission is peace; our people love peace, and in all our wars we have only conquered peace for our own country and our own people, until the treaty of Paris made us the almoners of this blessing to other oppressed people. The real burden that this great trust imposes upon our Republic in the treaty of Paris is to provide peace and prosperity to the people that it incorporated with the people of the United States.

Mr. DAVIS assumed his share of this national duty with alacrity and without any misgivings as to the future. He felt the common impulse of the American people, that obedience to duty will not permit us to shrink from this noble task. It has required war, which vicious combinations may protract; but a war that ends in firmly established peace and secures constitutional liberty and the freedom of religion to the people realizes the highest duty of Christian benevolence. Rich argosies, laden with the wealth of the earth and the oceans, will come and go between the East and the West, and the breath of peace will fill their ample sails.

The nations that were strangers and enemies will become neighbors, and friendship will unite them in fellowship as they exchange the bounties of all productive industry.

In their memories honored names will be familiar as the friends of humanity.

Among these none will be more beloved than our commissioners who concluded the treaty of Paris, and among these no name will be revered above that of CUSHMAN K. DAVIS.

Mr. CLARK. Mr. President, truly there is "a prince and a great man fallen this day in Israel."

When the news was flashed along the wires that CUSHMAN K. DAVIS had reached the end of his earthly labors and had entered into God's rest, we could hardly realize that our honored and beloved colleague had passed forever from our mortal fellowship. In the meridian of his life, in the full enjoyment of his wonderful mental faculties, at a time when his country so greatly needed his services, it seemed that "his sun had set while it was yet day." His passing seemed so premature that it was difficult for us to believe, as we had been taught, that "the judgments of the Lord are true and righteous altogether."

The life of CUSHMAN K. DAVIS, Mr. President, from young manhood to the end, is strongly interwoven with the history of his State and nation. Reared and educated in the new West, he early acquired that breadth of mind and honesty of purpose which are so often produced in a virgin country, and he escaped the narrowing influences and real provincialism that often are found in older communities and more densely settled sections. To his naturally elastic mind his earlier environments gave an ever broadening horizon. It was most natural that he should, in the time of his country's peril, offer himself as a defender of her integrity, for he

had a sublime belief in the great American Republic; and this confidence in his nation and her future increased from year to year until his death. It is no wonder that in war he should have served her with gallantry and distinction. It was his nature, and he could not have done otherwise. From youth to death his highest ambition was for the honor, the integrity, and the glory of his country.

Mr. President, my first acquaintance with Senator DAVIS dates back but for a decade, but at the very threshold of our acquaintance I was struck, as all of us must have been, with his wonderful fund of information, political and general, his accuracy of mind and statement, his grasp upon great questions of state, and his unbending and unyielding Americanism. He was one of the gentlest and most unassuming of men, tolerant of the opinion of others and yet confident in his own judgment. Day by day compelled to meet and grapple with the difficult and knotty problems of the present, almost his sole recreation was in delving into the history, the philosophy, and the romance of the past. He was a master of ancient as well as of modern literature. To sit at his fireside, political life and legal problems being brushed for the time aside, and to hear from his lips the gathered treasures of his reading was of itself a liberal education; quiet and modest, assuming nothing to himself, I think it will be the opinion of all that no member of this body had a greater fund of general information than he. A student in the true sense of the term, nothing seemed to escape his observation and inquiry.

Of his career at the bar I shall say nothing, except to observe that none in all the great Northwest was more honored and successful than he. He loved his chosen profession, and she richly rewarded his devotion. From the trial court to that of last resort he deserved and received the highest respect, not only for his great legal attainments, but for his unswerving honesty of purpose as well, and this esteem and respect of bench and bar is a far higher reward to the true lawyer than money, emoluments, and fees, no matter how high they may be heaped. But it is of his work as Senator during the last three years I desire especially at this time to speak. During that time he has been chairman of the great Committee on Foreign Relations of this Senate, and he gave to the affairs and duties of that committee his unremitting attention and labors. It will never be told or known how closely his duties pressed upon him, but the country well knows and will always enjoy the fruits of his careful and continual labors. He was a Senator whose voice was too seldom heard in this Chamber, and yet he was a master of constitutional and international law. We who listened to his great speech in executive session on the war resolution of 1898 and the report accompanying it will never forget it, and a great regret ever since has been that, because of the peculiar rules and procedure of this body, such a clear exposition, both as to law and fact, of that great question with which this nation then had to deal should have been lost to the country.

As chairman of his committee his work was continuous, eager, and efficient. I do not think it too much to say that in all the deliberations of that committee during the past three years, in all the important and delicate questions arising, he was not only the chairman, but the guiding spirit. His intense Americanism, his patriotism, his belief in his country were always to the fore and seemed a propelling force, not only of that committee, but of this Senate, as well in the troublesome days from the beginning of the Spanish war until its close. His work as a member of the peace commission at Paris was a fitting close to his labors during the war. He and his distinguished colleagues taught the world a new diplomacy and proved its strength—the diplomacy unknown before that war, a diplomacy of honest, open, frank, and truthful statement; and the result of their labors placed our nation, in the eyes of the world, where she rightfully belonged—in the van of nations.

Mr. President, I regret that I am unable to do justice to the life and services of Senator DAVIS. What I have said has been because of my love for him and of my admiration and appreciation of his public services. England's cynic poet said, in speaking of eulogies and epitaphs:

When all is done, upon the tomb is seen,
Not what he was, but what he should have been.

Such is not the truth with respect to our tributes to our departed friend, because in his ardent love of country, his devotion to public duty, his services in this body, what he should have been, that he was. He quietly rests in his beautiful home city, the lamented son of his State and the Republic he loved. He gloried in his nation's past, and he looked forward with hope and confidence to her future. May his hope be justified, and may he rest in peace.

Mr. LODGE. Mr. President, "death," said one of the wisest of men, "hath this also: that it openeth the gate to good fame, and extinguisheth envy." Bacon, I conceive, meant more by envy than the mere jealousy of one man toward another. He intended, we may suppose, that general lack of just appreciation from which every man of distinction, especially in public service, often suffers in his lifetime. And he rightly says that death openeth the gate

to good fame, which is but another way of declaring that it is the first attempt to do justice to a man's career and services. It is a common error that eulogies, especially those spoken in the freshness of grief, are necessarily as little to be believed as the epitaph held by Lord Byron to be typical of falsehood. This error springs from another equally common, that criticism means fault-finding, whereas true criticism, which alone is of value, consists quite as much in pointing out beauties as in enumerating defects. Therefore it follows that the eulogy fulfills the kindly function of criticism, the other having been already amply performed during the lifetime of him whose virtues are celebrated in a funeral oration. Thus the balance is made even, and in the two combined, History, looking down long hence with calm and patient eyes, will find the man and do him justice. If in the first burst of sorrow eulogy is overstrained, history can be trusted to set it right. At the worst, excess of praise is a good fault, for the chances are very great that the living man in his public life got less praise than he was entitled to and far more of misunderstanding than anyone deserves. Even if he did not endure in his public service the worst forms of calumny and detraction, he is certain to have suffered by comparisons made with a past which never existed, whose trailing clouds of glory are often conjured up by the envy of which Bacon speaks in order to make the living man of the moment look small and earthy. So it may be said that men act wisely to speak well of the newly dead, for thereby they do more than testify to their sorrow, inasmuch as they in some degree help to set the balance straight and thus give their mite toward the advancement of the final truth.

I have been moved to make these imperfect suggestions because as I have thought of Senator DAVIS, whose untimely death has brought so much sorrow to those who knew him, I have felt that he was a man who failed to receive in life a full appreciation. I do not mean by this that he was not amply honored, admired, and beloved by the great State which sent him here, or that he failed of understanding and appreciation in this Chamber, where his best work was done. Still less would I suggest that he did not receive, in due measure, the recognition which is witnessed by election to great public place, for I have known no one who held the office of Senator more highly than he, or who had a more exalted conception of the dignity and power of the Senate. Least of all do I mean that he suffered peculiarly from unfair criticism and ignoble aspersion of motive or conduct. On the contrary, I should think that he was exceptionally fortunate in these respects, and had it been otherwise, he was a man who knew that life was a battle, who did not fear blows, and who never complained or whimpered over the chances of war. When I say that he did not receive in his lifetime a just and full appreciation, in proportion to his ability and his achievement, I mean that he did not receive it from the country at large, and I say this because I know both the achievement and the ability and rate them very highly.

Others here and elsewhere will trace his career and tell of the offices he held and the honors he won far better than I could hope to do. Of his more intimate and personal qualities as a friend and an associate I shall not trust myself to speak. I desire only to explain why I think he was not fully appreciated as a public man and why I rate so highly his achievement. The first question is easily answered. Senator DAVIS lacked his due meed of appreciation in life for two reasons, one general and one particular. He suffered from the conventional tendency to belittle men of the present because they can not, without thought and trouble, be brought for judgment into proper perspective with the past and because there are many minds to which the belittling process is agreeable. He also suffered from a defect in himself. In an age when the art of advertisement of both men and wares has been carried to the highest pitch of noise and color he had neither the desire nor the faculty of advertising himself, either by lusty shouting or by stealthy suggestion. He was essentially modest, and shrank from even speaking in public except when it was a duty or a necessity.

A proper estimate of his ability and his achievement can not be so briefly given and supported as the explanation of their imperfect recognition. Indeed, it is not easy to analyze mind and character within the limits which this occasion requires. Yet, without an attempt, at least, in this direction I should fail entirely in what I most wish to say.

My friendship with Senator DAVIS began when I entered the Senate, nearly eight years ago. I soon came to know him well, and the knowledge bred affection, for he was a very lovable man, a loyal friend, a delightful companion, full of humor, sense, and originality. Our views on the public matters upon which we were engaged were usually in accord, and we had many other subjects upon which we sympathized, so that I came to pass many hours in his company and to talk with him about many topics.

I desire to speak of him now in the two aspects from which I learned to know best his unusual mental powers and one of which will give him place in the history of our time. I wish to speak of him as a statesman and man of letters—high titles, indeed, but he deserved them both.

First, then, as a man of letters. He was not a writer of books. A life given to war, to the law, and to politics left him no opportunity to enter upon a field where I am sure he might have won a distinction which he would have valued above all others. A lecture upon Hamlet, an address upon Madame Roland, a little volume upon the Law of Shakespeare, was all that he found time for in this direction. It is also true that he made no pretense to profound scholarship, to which, indeed, no man can lay claim unless he has devoted his life to its pursuit. Yet was he none the less a man of letters—was so by his wide reading, his cultivation, and his love of learning for its own sake. He had received a liberal education in the days when those words meant simply a classical education, and, what is far more uncommon, he had retained its teachings. I do not know whether he had kept up his Greek or not, but he never let go his Latin; and after leaving college he had taught himself French and Italian so that he read both with absolute ease and fluency—no small feat to be performed by a boy who went from the college to the camp and then fought his way up at the bar and in politics amid the sharp competition of a young and growing State. I remember a summer afternoon, when the Senate was engaged in one of those contests where physical persistence counted more than intelligence, passing by his desk and seeing there two books lying open face down with which he had been beguiling what, without impropriety, I may call the fedium of the occasion. I had the curiosity and took the liberty to look at the books in order to see what they were. One was an Italian work on international law; the other was Juvenal. As I put them down I wondered how many of the glib writers, or of the superior persons who in paragraph and speech utter the conventional sneer about the ignorance of American Senators and Congressmen, would wear away hot and weary hours by reading for instruction an Italian law book, and for pleasure the fierce and virile verses of the great Roman satirist. And be it remembered, it was all done for love and not for show, for I never knew a man of equal attainments who paraded them less. He was widely read in the literature of France and Italy, and still more widely in the ample and subtle speech which was his own heritage. He read thoroughly, and had a memory of iron grasp. Again and again I have been astonished at his sudden and apt quotations from writers little read and seldom quoted.

Like all men of broad cultivation, he had particular fields and special subjects in which he was peculiarly interested and upon which he was more deeply read than elsewhere. One of these was history, and more especially the period of the French Revolution—Napoleon and the Napoleonic wars. He had made a very complete collection of books relating to Napoleon, and everything he bought he read. On this subject he was an authority and an expert, not for any particular purpose, but because the man and the time fascinated him and from sheer love of historical research. He delighted, as all men of thought and imagination must delight, in the great pageant of human history, but in the sensual pleasure of the music and the banners and the glittering arms he never forgot to ask whether the columns were marching and what their movements meant.

His other specialty was Shakespeare. He studied and loved him, knew him through and through, and drew from him that intense delight which comes to all lovers of the greatest genius which has appeared among men. A little instance will show at once his knowledge and his devotion to the mighty poet. Senator DAVIS once defended a judge in an impeachment case. The point involved was the power of the court to punish for contempt, and DAVIS cited in support of his position the splendid lines in Henry IV, where the chief justice defends his action in punishing the Prince of Wales for contempt of the judicial office and authority. He said the quotation produced a great effect, as well it might. Senator DAVIS also wrote, as I have said, a little book, called the Law of Shakespeare, a very learned and interesting study, which never gained the notice and reputation it merited, because it was printed and bound like a law book, when it was really literary and historical.

But that which more than all else makes me speak of Senator DAVIS as a man of letters is that he loved literature for its own sake. A man may be well informed in many ways; he may have read many books and on his own subjects be learned, and yet he may have no literature, to borrow Dr. Johnson's phrase. Books are not necessarily literature any more than the application of paint and colors is necessarily the work of an artist. Painting a fence and painting the Sistine Chapel are both painting, but one is useful, everyday trade, and the other is a great art, the work of a towering genius. A census report is a book, and it is valuable, but it is not literature. In its highest expression literature is the greatest art of which the human race has shown itself capable. As Mr. Barrett Wendell so well puts it, "It is the lasting expression in words of the meaning of life." It must combine thought, wit, humor, fancy—all that can appeal to the heart, the senses, and the imagination—and it must go forth clothed in all the beauties which style and form can give it. It must exist for its own sake and be its own all-sufficient excuse for being. This

was the literature which Senator DAVIS knew and rejoiced in and admired. This was what he read so widely in all languages, and especially in his own. This was what he loved purely for its own sake. And from this it follows that what he read most was poetry—that which is supreme in literature. In poetry he loved most what was greatest and best, and so he came to find what was good in all and judge aright the whole scale.

Despite the fact that he wrote little or nothing, I have dwelt upon him as a student and a man of letters for several reasons. His tastes and acquirements in this direction show the quality of his mind; such knowledge and love of literature are ennobling qualities worthy of remembrance, and such accomplishments in a distinguished public man are honorable to American public life. Senator DAVIS also illustrates the fact that although there are few, comparatively, who can rival him in extent of reading or breadth of cultivation, there are many, very many men in the public service who share his love of learning and of literature, in which they find the same pleasure and instruction that he found in the hours stolen from the engrossing cares of a life of action.

His generous learning and wide reading helped Senator DAVIS as a statesman, that other aspect of his life of which I wish to speak briefly. That he was a statesman in the best acceptance of that term can not be gainsaid. He dealt with large questions in a large way. He looked before and after, not to sigh for what is not, but that he might deal successfully with the present and prepare wisely for the future. Like most men learned in the law, his tendencies were conservative, but he did not shrink from innovation, nor was he the slave of precedent. The past, which he had studied so faithfully, was to him a wise teacher, not an unbending tyrant. He was not one of those who hide dislike of the present and distrust of the future under the guise of loyalty to the past. Although a man of strong will and masterful temper, he was ever open to new ideas. Above all, he had the two attributes essential to the highest statesmanship—sentiment and imagination. Without these gifts a man may be most successful, he may rise to the head of the state, he may do fine and enduring work, but he will never meet the greatest questions in the greatest way; and he may encounter a situation in which, despite his powers, he will fail solely from this deficiency in two qualities which are not practical, but which are none the less essential. Sir Robert Walpole was one of England's greatest ministers. He was the man for the time; he did the work England needed; his splendid good sense, his steady courage, his knowledge of men, and his executive capacity can not be overpraised. Yet Walpole could never have climbed to the heights which the elder Pitt scaled so easily, for he lacked the fervid sentiment and the soaring imagination of his great successor. These qualities of sentiment and imagination, combined with his learning, his long training at the bar, and his experience in public affairs, and supported as they were by an intellect which was singularly quick and resourceful, enabled Senator DAVIS to do his remarkable work of the last few years. When he came to the head of the Committee on Foreign Relations the country was just entering upon a new epoch; a period of change was beginning of which the end is still far distant. In the hurrying events which have crowded so fast upon us in the last four years Senator DAVIS played an important part. It is too soon to tell in detail or rightly to estimate what that part was in all the incidents which led to the Spanish war, in the making of peace, and in the solution of the problems which war and peace and our own strides toward economic supremacy have brought upon us.

In all that he did in shaping our policy he was helped by his knowledge and his studies, by much careful thought, and by an imagination which enabled him to project his vision into the future. But that which was his surest guide was a sentiment embodied in a profound patriotism and an intense Americanism. I do not mean that he was peculiarly American because he held certain opinions on certain public questions, or that he was more patriotic than others who differed with him radically upon those same questions. What I mean is that he had a faith in his people and their destiny which nothing could shake, and that he never had a shadow of doubt or distrust as to their entire ability to meet any responsibility and any question bravely, justly, and victoriously. He had proved his patriotism, like many other brave men, on the field of battle, and he hardly ever referred to it. But his love of country and everything connected with its history was with him a passion. He took a deep satisfaction in his direct descent from one of the Plymouth Pilgrims, and he was prouder of the name of Robert Cushman signed to the compact of the *Mayflower* than if it had been inscribed among those of William's knights on the walls of Battle Abbey. His thoughts were always upon the great questions now before the United States, and in the last hours his country and her fortunes were uppermost in his mind as the shadows closed about him. He was not a man who cried his own virtues and proclaimed his own deeds in the market place, but he did his work—great work, as the time demanded—strongly and well. He will find his place and his reward in the pages of history, when the story of these momentous years is told. That

monument is for other hands than ours to build. We can only bear imperfect witness to what he was to us who knew him, and then leave his memory to—

The silent melody of thought that sings
A ceaseless requiem to the sainted dead.

Mr. DANIEL. It is a privilege which I appreciate, sad indeed, Mr. President, but all the more in consonance with the feelings which I bring to this mournful hour, to pay my respects to the memory of our dead friend and colleague, CUSHMAN KELLOGG DAVIS, of Minnesota.

He stood in the front rank of the lawyers and publicists of this country. He was an ornament of this body, as he was one of its most useful, able, and respected members. He was beloved here as he was beloved at home, and while the nation and the State alike deplore the loss of a noble and faithful public servant, those who had the privilege of association with him in his daily tasks mourn for him as a delightful companion and as a trusted friend whom they will know no more on earth forever.

The eminence which he had won was attained by the application of brilliant natural faculties to studious pursuits, and was the fitting reward of just and honorable labors. He was well equipped for public life. Before he came here he had been a legislator in his own State and had become its governor. He long practiced law in Minnesota, had achieved great success in his profession, and enjoyed a high reputation for learning, integrity, and sound judgment. As an advocate and as a counselor alike he had few equals. His mind was filled with technical lore, but, as well, with the large and equitable spirit of that jurisprudence which is gathered from the wisdom of the world and is applied in the affairs of men in all nations. There was no case of legal controversy, whether in the nisi prius or the appellate courts, or in an international tribunal, in which he would not have been the peer of any antagonist who could possibly have been arrayed against him.

He was a lover and a student of literature as well as of the law. His mind had been enriched and ripened by his familiarity with its masters, and he was the profounder and abler lawyer because of his accomplishments in letters.

The subjects to which he addressed his attention in his career as a Senator here he studied to their depths, and when he spoke upon them he was sure to develop them in their bearings with perspicuity, and to render a worthy and valuable contribution to their consideration. Erudite, analytical, logical, trenchant, always chivalrous, and often brilliant as he was, he never spoke without attracting deep, interested attention; and while he did not speak often, he always spoke with power, and frequently with rare and engaging eloquence.

As an adviser on public matters he was patient, painstaking, wise, prudent, and considerate. His character possessed the elements which befit the statesman. He looked upon all sides of a question and weighed the "pros" and "cons" with judicial discernment and discretion. While his mind worked quickly and with instinctive justice, he was too experienced and too wise to let loose mere impulsive apprehensions; and his conclusions on any subject were apt to be in consonance with the best possible, practicable attainment.

He was never extreme and never erratic; he was always courteous and always independent and manly. He had a high and honorable sense of conviction and of responsibility, with a certain reserve that modestly emphasized rather than diminished the dignity and weight of his opinions. The play of fine fancy sometimes fringed his serious discourses with phosphorescent fire, but never an unseemly word or misplaced levity marred or belittled his utterances.

A few years ago Mr. DAVIS delivered a short series of four lectures on international law before the faculty and students of the University of Minnesota. They are couched in that clear and sententious language which few could use so well; and they sum up the leading questions of international law which have arisen in our national history. No better brief of them could be produced, and I know of no source which contains so much apt learning for the American student so compactly stated.

His facility as an orator, his wisdom as a thinker, and his knowledge of affairs I once had agreeable opportunity to note at the Military Academy, Westpoint, when I had the honor to be associated with him as one of the Board of Visitors appointed by the President of the Senate. After we reached the Academy he was called on to make an address before the graduating class, with but few hours for preparation. To the "occasion sudden" he was fully equal. In that short time he wrote and delivered a polished and well-considered address which bore no mark of its hasty conning and which was filled with the worthy reflections and the fine spirit which well became such an occasion.

"Our gentle master," Shakespeare, had for him that magnetic attraction which has brought the world to his feet and which he will ever possess without a peer for all spirits "touched to fine

issues." He calls him "the first of men;" and we may well say of Mr. DAVIS, as was said of Lord Chief Justice Campbell, that "he has the glory of placing a stone on the lofty cairn of our immortal bard," for he has written of him in a work which will lose nothing in comparison with that of the great English jurist and author on the same subject. Indeed, it is far more complete in illustration of the law in Shakespeare, and abounds in fine passages of historical and literary criticism.

It was written as the work of winter evenings and as an incident to the study of the works of him "who converted the elements which awaited his command into entertainments," and the members of that profession of which he was a shining light can not turn to its pages without feeling that he has made princely payment of the debt which, it has been said, every lawyer owes to his calling.

Those who have amused themselves in reading the curious books of the iconoclasts, which make laborious effort to show that Francis Bacon wrote the Shakespearian plays, as well as those who find in the master's work inherent evidence of his identity, will sympathize with Mr. DAVIS's sharp rebuke of their heresy where he says:

And now comes some one and says that here is proof that Shakespeare is a mere alias for Francis Bacon. It is difficult to touch or let alone this vagary with any patience.

One is inclined simply to protest in the words of Shakespeare's epitaph:

"Good friend for Jesus sake forbear
To digg the dust enclosed here,"

and pass on, deeming all secure against a desecration worse than that which the poet cursed.

Respecting his good taste in the fitting application of the fine thoughts of others, which, indeed, he seldom needed, so ready were his own, I may use his own language in reference to another and say:

These emblems of his industry are woven into his style like the bees into the imperial purple of Napoleon's coronation robes.

How beautiful does he speak of the comparison between the first edition of Hamlet, in 1603, and the final revision of 1623, as showing how the hand of the master wrought upon his work.

"It is," said he, "as if some sculptor with an enchanter's power had wrought upon an unadorned Milan cathedral in one night, so that the morning showed thousands of carvings and statues where the day before were only walls of unadorned simplicity."

On the 2d of July, 1897, Mr. DAVIS delivered an address on the battlefield of Gettysburg, at the unveiling of the statue erected by the State of Minnesota in honor of the First Regiment of Minnesota Volunteers.

It was the thirty-fourth anniversary of that mighty conflict in which the regiment from the State which our friend represented had done a deed of splendid valor and paid the martyr's tribute, suffering more than any other command of either side in killed and wounded—more, indeed, than any command in any battle of the civil war. Two hundred and fifteen out of 262 fell in that awful cataclysm. Yet, as he said, "Only 47 were unhurt, but they stood in line, and not one man was missing." Not one of all the brave battalions of the North and South that threw themselves against the walls of fire on that dreadful day won greater honor than the First Regiment of Minnesota; and I may say of him who then spoke for them that their orator spoke as nobly as they fought, and like a knightly champion of a reunited people.

I wish, indeed, Mr. President, it were fitting for me to read all of that speech here. It is the rich, fragrant, mellow, sun-colored fruit of a tree deeply rooted in generous soil. It would better fill my brief time upon this floor than anything I could say. It was a message of peace and honor in the outstretched hand of true fraternity. It was the sage, the seer, the patriot, the honest man that spoke. No vainglorious outburst was there, and no condescension. But forbearance, toleration, moderation, self-restraint, patriotism—broad as the lines of the great Republic, warm as its firesides, vital in every part—honoring all men according to St. Paul's injunction.

May I be permitted, Mr. President, to read a few passages from that noble utterance? Said he:

Nearly 160,000 men fronted each other here. Neither waged a war of foreign invasion. They were brothers, deeply angered. But that brotherhood was an assurance of fraternal reunion at some time when war should cease and the resistless forces of reconciliation should assert themselves, as they have done, thanks be to Him who has guided and protected this nation.

Again, he said:

Neither army was fighting for a monarchy, or to establish one. Each was pouring out its blood for its own constitutional government—for the right of man to govern himself in a republic. This fact is ever to be remembered in considering the philosophy of that great war. The irritating cause which produced it never for a moment seduced the men of either side from allegiance to the constitutional conception of their forefathers that governments exist only by the consent of the governed, and that this right can be most efficaciously established and preserved by an elective republic.

And yet, again:

And it was this transcendental fealty which so soon reunited us in one family by the combined efforts of men in whom hostility had been appeased, and closed that awful chasm which our evil-wishers abroad predicted would always divide us by a fixed and impassable gulf. The same earthquake force which opened that abyss closed it again, and we stand now, here and every-

where, upon solid ground—holy ground here, because it is a tomb where the hosts of valor and patriotism have "set up their everlasting rest." It is also a field of resurrection whence has arisen the Genius of a restored Union.

He who thus spoke over the dust of his fallen comrades presents himself to my mind as the highest type of the American citizen; and as we contemplate him there on the heights, where angered brethren imbued the field in each other's blood, and hear the sweet small voice of love rise from a whisper to a bugle call in his utterances, we seem—

* * to see our flag unfurled,
Our champion waiting in his place
For the last battle of the world—
The Armageddon of the race.

Mr. President, he, too, has passed to the tabernacles of everlasting rest, followed by honest tears, which flow as did his own noble speech from the purest fountain of our being—dews which rise upon the mountain top, descended from the heavens.

Dead! While his voice was living yet
In echoes round the pillared dome.
Dead! While his blotted page lay wet
With themes of state and love of home.

"When I die," said little Nell, "put something near me that loved the light and had the sky above it always." "Crown me with flowers," said Mirabeau in his last hour.

Innocent childhood, mature manhood, and the world-weary old man go alike as equals to the tomb, and yet with the same ever rising yearning spirit. Gaudy monuments there seem a sacrilege. Fulsome praise is repellent. The uppermost thought that comes to me as I say "farewell" to our dead friend is that throughout his service here, and in all his public life, he held all his countrymen in his heart, and spoke no word that leaves a thorn in any bosom. May I not lay this fact as a flower that bloomed forth from his own being upon his tomb? The virtue which he possessed and of which it is the token has had the sky above it always.

Mr. SPOONER. Mr. President, painfully conscious that I can utter on this occasion no adequate tribute to the character and career of our departed colleague, I yet must speak here some earnest and tender words of my long-time friend. My memory of him carries me back to a time anterior to his removal from Wisconsin to Minnesota, when he was connected with the supreme court of Wisconsin, and availing himself of the great law library of that State in preparing for the practice of his chosen profession. I see him now as I saw him then, and I remember that he was considered one of the ablest, most brilliant, and promising young men in the State of Wisconsin. The judges of the court, all distinguished jurists, were especially fond of him, regarded him as singularly gifted and able, and confidently predicted for him a great career.

In 1870, when I removed to the northern border of Wisconsin, less than 20 miles from his home, he had already achieved eminence in the profession and was accounted one of the leaders of a brilliant and learned bar. He had first won distinction as a lawyer by the audacity, skill, and eloquence with which he had conducted the defense in a famous murder case, and, after the lapse of over thirty years, the ability and resourcefulness which upon that trial attracted the attention of Minnesota to his brilliancy and capacity is still a theme of conversation among the lawyers and laymen of that day.

As a lawyer he was remarkably well grounded in legal principles. He had not only studied the science of the law, but he had explored and mastered the history of the law. There are lawyers who know more of decisions and what is called "case law," but there are not many who have more thoroughly mastered the science of the law or are more familiar with its fundamental principles and the philosophy and reasons underlying them.

He possessed a rare faculty of generalization, and also of analysis, without the narrowness and tendency to technicality which sometimes characterize the analytical mind.

He was not as a lawyer in any sense a specialist, and I do not remember a man who had greater professional versatility. There seemed to be no branch of the law in which he was not at home. It is quite impossible to say that he was stronger in one phase of the practice than in another.

His arguments in the courts of last resort were luminous and weighty. In the examination and cross-examination of witnesses he was an artist, and in the argument of a cause to a jury he was powerful and persuasive. From the beginning of his career he was distinguished for a choice and abundant vocabulary, which was always subject to his command.

I have heard from him arguments addressed to the court upon questions of law and to juries upon questions of fact which I thought then, and think now, could not be excelled by anyone for strength, learning, and eloquence. There was a quality in his voice, a charm in his manner, and a beauty in his diction which was peculiar to him.

No man was ever more devoted to the interests intrusted to his care or more assiduous in the preparation necessary to the completest discharge of professional duty.

He seemed to have been born with a passion for reading. In

the early years, when his professional duties and burdens were most exacting and pressing, I doubt if there was a night when his library was accessible in which he did not, laying aside all thought of law and courts and clients, seek and find recreation and refreshment in some volume of the classics, or of history, or in the pages of Shakespeare, or in the poems of the Bible. He could say with Gibbon:

My early and invincible love of reading I * * * would not exchange for the treasure of India.

Never since I first knew him would he willingly exchange an hour with his books in the quiet of his library for any social function or assembly.

He read with great discrimination and with fine appreciation of the literary quality of the author and of his thought, however subtle. And he read to good purpose, for his capacious and retentive memory was an inexhaustible storehouse, in which there was no rubbish and from which at his will came jewels of rare beauty to enrich his speech at the bar, in the Senate, on the hustings, and in the daily intercourse with his fellows.

He had rare felicity in the use of language. Every word he used fitted in its place, and was chosen to give precise expression to the thought which he intended to convey. This seemed in him a gift. It characterized him in his early life, and I doubt if he ever uttered even a short speech in which there was not some sentence which challenged admiration for its perfection and fastened itself in the memory of the listener as a model. This was as true of his unpremeditated utterances as it was of those which were carefully prepared. While his style was classic and never commonplace, there was an utter absence of apparent word study.

While his well-earned fame at the bar for learning, ability, and eloquence was established, it was circumscribed, and the larger fame which he won and which will live in the history of the nation was achieved in the domain of statesmanship after he took his seat in this body. Few men ever came here with better natural endowment and preliminary training for the distinguished discharge of the high duties pertaining to this place than did he.

He never seemed to me in the Senate quite the man in physical strength and health he was when I had known him at the bar. His voice had lost something of the ringing and resonant quality which had impressed me in earlier years, and he seemed less aggressive and less inclined to contest and to speech. He came to prefer the study of great questions in the line of his inclination and special duty, and to speak only when it seemed absolutely necessary. He was a great constitutional lawyer, and he made of himself here a great international lawyer. I have not known one in public life who knew more accurately, in general and in detail, the great transactions of this Government, from the beginning, in its international relations. He was content, having expressed fully his views and the reasoning by which he reached his conclusions upon a measure of which he was in charge, or in support of a policy which he proposed, to leave it without further special advocacy to the arbitration of the Senate.

He made some great speeches in this body worthy of any period in its history, which will stand for accuracy, wealth of learning, beauty of diction, and strength of argumentation as models. Some of the best speeches I ever heard him deliver were upon topics involving our foreign relations, which, though of remarkable beauty of expression, evidencing complete mastery of the subject, listened to by a full Senate with rapt attention, are lost to the world because in the public interest they were spoken in the secrecy of executive session. I recall several such which would have added to his fame, and which it is a pity were not preserved.

His was a daring mind. He had no time for inconsequential thought. Mentally "he walked the mountain ranges." No problem in the domain of international law or diplomacy was too complicated or monumental for his mental grasp. There was about him nothing of mental or moral timidity. He shrank from no responsibility; no specter or phantom danger had terror for him. Once convinced of the true course, he would guide the craft whose rudder was in his hands through any sea with unshaken nerves and will as adamant.

His Americanism was intense, and his faith in the grandeur of our national future was absolute and implicit. He was not unmindful of perils, but he was undaunted by them. An idealist, he was also an eminently practical statesman. A lover of liberty and constitutional government, he realized that each is a development, and that "in the corrupted currents of this world" it can sometimes, alas, only be attained through training and struggle and sacrifice, and too often only through the shedding of blood.

Inexorable in maintaining the rights of his country and safeguarding its interests, he was scrupulous in insisting upon that courtesy and justice in the conduct of our foreign relations which are as essential to peace and good will between governments as they are among men. He knew that among nations, as among men, calmness and dignity of action best befit strength and power, and he was insistent upon the punctilious observance by his own Government in all cases of the etiquette usual in international

intercourse, and in this more than once, in my judgment, he served the country better than its people know.

This man, sometimes imperious in his intercourse with equals, was always considerate, even tender, with the lowly and the humble.

He had unfaltering faith in the stability of this Government. It was based upon an unfaltering faith in the people.

He was a sincere friend of labor, but he insisted always upon the observance, by every class, of those laws and principles which are essential to the preservation of public security and good government.

I shall not forget, as the funeral cortège proceeded, on a bleak and wintry day, from the home which he loved to the grave in which he rests, how, as it passed the works of a great corporation, the men who toil there, quitting the furnace, the forge, and the bench, stood in line, with bowed, bared heads, with sorrow in each face, a touching tribute to the dead statesman who, they knew, had been in life their true and thoughtful friend.

He was loyal to the point of devotion in his friendships, and just and tolerant to every fair foe.

I noted in him many years ago, when brought for a time into contact with him in the city of his home, his love for children and their love for him. He answered a remark by me once upon the subject with this quotation:

Better to be driven out from among men than to be disliked by children.

He was a politician, Mr. President, in the lofty sense, in the honorable sense, in that sense which is requisite to the best statesmanship. He despised political intrigue and backbiting.

He was a religious man in his convictions. I know from conversation with him long ago that he had had, as many of us have had, more or less of skepticism. It long ago disappeared, and I was not surprised, but confirmed, in my understanding of his attitude by reading recently this utterance of his upon the subject to Rev. Dr. Samuel G. Smith, of St. Paul, his friend:

It is a great deal better to have these things discussed by the friends of the church rather than by her enemies, but it is not new—Voltaire had much to say on the subject. The heart of the question is not in any debate about the history of the books of the Bible. I am very familiar with the Bible. Job is the noblest poem ever written, and there is much of the loftiest eloquence in the Prophets. Nor is it in the literature of the Bible that the problem of faith rests. I know human history, and I know that in the first century something happened that destroyed the old world and gave birth to the new. The resurrection of Jesus would account for that change, and I do not know of any other adequate solution that has ever been proposed.

I read this as evidence of his faith, and as an example of that generalization, broad and strong, which was characteristic of him.

He loved the duties of the Senate, and he delighted in the companionship of the Senate. After he was stricken with the illness from which he died, and a few days before the election, I called upon him. He had suffered intensely, and his nerves were shaken. As I bade him good-bye I sought to cheer him, and prophesied his certain presence at the opening of the session of the Senate. In a low voice he said to me, "It is a great body, a great body; good-bye." To me these were his last words.

It is said that in the delirium which preceded his release from pain and his entering into rest he constantly talked of the Senate and of the great affairs here, which were, in a measure, committed to his charge, and expressed a wish to live a few years longer, that he might help to work out some of the half-solved problems which press upon us, and to which he had given anxious and laborious thought. It was not to be.

We have missed him; we will miss him; and those of us who served with him here will remember him with admiration for his learning and his genius, and with affection for his kindness and the charm of his comradeship. Truly, Mr. President, he was a man of "great and shining parts"—student, soldier, lawyer, orator, scholar, statesman—in each of these excelling.

Happily, Mr. President, no man is indispensable to any State or country. Minnesota, who loved and honored him and who was by him loved and honored in return, will be represented in this Chamber by strong, able, patriotic, and eloquent men; but, depreciating no one, it will not be strange if she shall not be able, taking him all in all, to send here another CUSHMAN K. DAVIS.

Mr. PETTIGREW. Mr. President, Senator DAVIS belonged to the Northwest, though claimed by the State which honored itself in honoring him. We of the Northwest looked to him as a leader devoted to its interests and fully comprehending and sympathizing with its wants. In a larger sense he belonged to the nation as one of the nation's distinguished servants.

Yet he was distinctively a product of the newer portion of our realm, emerging from childhood, through the intervening years of youth, into the maturity of manhood surrounded by those progressive people who subdued a wilderness and impressed the vigor of their constructive capabilities upon expanding minds.

Born in Henderson, in the State of New York, on the 16th of June, 1838, Mr. DAVIS was taken by his parents from his native State to the Territory of Wisconsin when but a few months old, and there his family enrolled themselves among the pioneers who

created a State that has already furnished the country with many noble examples of patriotic ability.

During that period in life when the mind receives its lasting impressions Mr. DAVIS imbibed the rudiments of that knowledge which in its fullness made him a masterful leader among men. His adopted State was at that time the abode of an unusual proportion of rising representatives of statecraft, endowed with conspicuous mental capacity. Growing to manhood in the midst of influences thrown off from the discussions of men of strong intellectuality, during the formative years of a new Commonwealth, Mr. DAVIS's receptive mentality absorbed the teachings of the conspicuous men of the times, and these furnished the foundation for that broader knowledge, acquired through a habit of industrious research, which formed, in the maturity of his years, the eminent scholar and profound statesman to whose memory we are to-day bestowing the affectionate tribute of sincere words.

Senator DAVIS's education was begun in the common schools of the young State of Wisconsin, and from these he passed to a local college in Waukesha, his home town. From this college he entered the University of Michigan, graduating therefrom in 1857.

Fresh from the honors of university life, he became a student in the law office of Alexander Randall, afterwards governor of the State. A few years of studious application to legal research fitted Mr. DAVIS for the profession of a lawyer, and he opened an office and entered upon the career that made him conspicuous among the leading men of the nation.

When the storm of the civil war broke upon the country Mr. DAVIS abandoned the avocations of peace and became one of that vast army which the North sent forth to grapple in titanic struggle with their brethren of the South. Broken in health, he was compelled to abandon military life in 1864, retiring from the Army as a lieutenant in the Twenty-eighth Wisconsin Infantry.

After abandoning the profession of arms Mr. DAVIS resumed the practice of law at St. Paul, Minn., which city remained his home up to the time of his lamented death. In the succeeding years he filled many public positions of responsibility, being a State legislator, United States district attorney, governor of his State; and finally his constituency elevated him to a seat in this body, and twice affirmed their confidence in his representative ability. During thirteen important years in our history Senator DAVIS honored this Chamber with his presence, and so strongly had he endeared himself to his associates that when he was summoned hence to enter another life he left within the scene of his national successes a profound sense of irreparable loss.

During the sixty-two years which marked the span of his useful career the gravest national questions have arisen and the most serious perils have beset the life of the Republic. Since reaching man's estate Mr. DAVIS has been an active factor in the solution of these public problems, either upon the field of war's strife or in the peaceful councils of the people. Death found him in the midst of the crowning achievements of his public life, and that he was loath to go and leave his work unfinished is attested by those who ministered to his sufferings and watched in sorrow while the soul separated itself from the tenement we have loved and honored as the personification of rare mental gifts and true worth in man.

I am a mourner at the shrine of a friendship that has existed during many years and reaches beyond the barrier of death. Having known Mr. DAVIS intimately in the public and private walks of life—in the forum, in the home and social circle, and in the seclusion of confidential intimacy, I bear testimony to the greatness of his mind and the goodness of his heart, to his unswerving integrity, to his fidelity to principle, to the presence of mental endowments that elevated him to a conspicuous position among the statesmen and philosophers of our advanced era. Sincerely do I hope that the example of his public and private life may remain among and with us as we bear the burdens of earthly pilgrimage and sanctify the hour when we stand again in the presence of the departed.

Mr. McCUMBER. Mr. President, while those qualities which make the soldier or the patriot, the scholar or the statesman, instinctively command our admiration and honor, they are not always the ones which most deeply impress or enshrine a noble character in the affections of his associates or engender the deepest reverence and esteem.

These great qualities of soul and brain manifested in the life of CUSHMAN KELLOGG DAVIS were happily combined with the gentle and tender impulses of a sympathetic heart to an extent seldom equaled in any one individual—the elements of a sage counselor and a generous friend.

While I have watched with pride and honor the public career of this star of my native State whose lustrous character shone over all this great nation, my close personal acquaintance has been limited to a few years only. That short period, however, has been sufficient to know the man, for the character of every individual is like a divinely builded palace, whose majestic proportions and harmonious form, reflecting the beauty and sublimity of the soul

of the architect, may be comprehended in a single glance; or like the finished work of some grand artist, which, while it reflects upon the canvas lofty ideals which speak like angels of sympathy to the souls of men, yet shows the labored touch of every stroke of the magic brush.

So was the real life of Senator DAVIS known to all who had the honor of his acquaintance, the privilege of his personal friendship, the more delicate details ever traceable in the grander structure of the whole.

Though firm and strong, his firmness was so blended with gentleness that, while his whole character stood out grand and imposing, it was softened like some great mountain peak half veiled in morning mists.

His generosity was not of the latent quality which required an exciting stimulus to develop its activity, but was ever alert and active, and responded as naturally and as surely as the magnet to the pole. In his kindness and gentleness you felt the glow and fire of sincerity, which inspired absolute confidence.

With a patriotism unbounded, his youthful vigor and manhood's prime, the best of his life and thought, were dedicated to his country's good. That same devotion to nation manifested in his enlistment and service through the civil war was characteristic of his whole life.

The associates of Senator DAVIS in the last session of Congress know how unremittingly were his labors in the very face of the enemy of life. The advent of an insidious disease, to which his physical health was rapidly yielding and which was soon to claim him for its own, seemed rather to intensify than diminish his zeal. One thought with him was supreme—his country needed his service.

The words of the poet might well have been dedicated to him:

Oh, think how to his latest day,
When death just hovering claimed his prey,
With Pallure's unaltered mood,
Firm at his dangerous post he stood.
Each call for needful rest repelled,
With dying hand the rudder held.

But his love of country was not a blind devotion. He admired the true, generous, and brave in all countries, and held his own as rigidly to his ideal of national honor and duty as he did the highest or lowest nation of the world.

His great success in the field of politics was not the result of that tact, skill, and diplomacy, by so many understood to be an essential to successful political advancement.

His tact was the ardor of his convictions of right and unswerving loyalty to those convictions: his diplomacy the directness and simplicity of his utterances; his skill was his scholarly attainments and thorough knowledge of all the great political questions of the day.

As a jurist he ever interpreted law by the standard of justice—the soul which should permeate every human code—and never deflected that standard except toward the side of mercy. His arguments, like his character, were seldom aggressive, but ever clear and persuasive.

As a young man he gave his youthful vigor and strength of manhood in war that no star should be lost to the firmament of American nationality. In his later years he gave that counsel to his country which broadened its national horizon and raised it to a higher, broader, and nobler position among the powers of the world.

The tribute of Sir Walter Scott to Fox, in his last resting place, most fittingly portrays the noble nature of CUSHMAN KELLOGG DAVIS and his country's loss in this era of great national changes:

For talents mourn, untimely lost,
When best employed, and wanted most;
Mourn genius high, and lore profound,
And wit that loved to play, not wound;
And all the reasoning powers divine,
To penetrate, resolve, combine;
And feelings keen, and fancy's glow—
They sleep with him who sleeps below.

Mr. FOSTER. Mr. President, Senator DAVIS was my near neighbor for twenty-five years, and, while it is impossible for me to add to the eloquent and just tributes already spoken in his memory, I feel constrained to contribute a few neighborly remarks bearing witness to his many sterling attributes of mind and heart.

Over a quarter of a century ago, when I first met him, he was a rising and ambitious young lawyer, who was attracting friends as well as attention. That he was a confiding and tenacious friend those who know him best gladly testify; but of all his notable qualities his strict integrity first challenged my admiration.

His briefs were perfect, and his thoroughness as a lawyer was, in my humble opinion, the substantial foundation of his success at the bar. His intellect was ever clear and vigorous. He had the power to grasp great intellectual problems, and his prophetic solution of delicate and grave international questions in his riper years stirred the pride of his former neighbors, who predicted a brilliant career for him when he was yet burning the midnight

lamp during and before his achievements as United States district attorney of Minnesota—nearly thirty years ago.

And yet Senator DAVIS did not reach the pinnacle of his power by sudden flights, but rather by steady, persistent plodding and continued application. Day by day, year by year, his abilities and knowledge increased until he developed into a great lawyer—a foremost statesman. He was a notable advocate of the rights of good citizenship and early gained and held the confidence of a large circle of friends. This priceless confidence of his friends continued to the end, consoling him on his bed of sickness and spreading flowers on his tomb.

While this worthy son of a great Commonwealth was a profound scholar, he was a most affable and genial companion and neighbor. In his infrequent moments of leisure his genial spirit and generous hospitality warmed the hearts of his friends and had the pleasing effect of placing the most humble and timid on a level of most charming equality. His friendships were so strong that the severest tests and rudest shocks could not break them. Only the settled conviction that a flagrantly unworthy act had been committed caused him to withdraw the abiding confidence reposed by him in his friends.

His library was stored with choice volumes, and the young men who have had the opportunity of enjoying and profiting by his varied knowledge of men and affairs may well count themselves fortunate. Those partaking of the feast of reason spread by him for his friends will ever remember his remarkable familiarity with the thoughts and writings of men of profound learning of all ages—as well as his interesting conceptions of the teachings of nature. At one time, during an interesting discussion, he would make use of a plain illustration of the common people, next a simile evolved from his own extended experience, and then a classical surprise, pertinent and ever pleasing. His reasoning was clear and concise, his position absolute and definite. Gradually interest in his literary attainments and legal ability spread beyond the middle West and throughout the country in general, until he was known everywhere for his bright intellect, his patriotism, and conscientious performance of public duty.

He was considerate of every man's opinion, and, as a friend and lawyer, this made him an agreeable associate. He was tenacious and unyielding, after reaching conclusions, and in many notable instances time has demonstrated the correctness of his opinions and the soundness of his mature judgment. With Senator DAVIS convictions were sacred, and that he had the courage of his convictions his public acts and deeds amply testify. In expressing his convictions he was fearless, forcible, and courageous.

The fidelity with which Senator DAVIS discharged his public duties is the subject of frequent and earnest commendation among his admirers, but as a former neighbor I deem it an honor to bear witness to his attention to small things. In the little courtesies of life he was thoughtful and considerate. He displayed a disposition to help and perform those slight acts of kindness that cement and firmly hold our friendships. When news reached him, for instance, of an old friend living in a far distant part of the country having been chosen to a seat in this Chamber, he found time, although burdened with grave responsibilities of far-reaching importance, to write full particulars touching upon the duties of a newly elected Senator.

His career has been ended abruptly, at a time when his splendid talents were most keenly appreciated and could least be spared. That his death should occur at this particular time is, indeed, peculiarly sad.

As an eminent authority on constitutional and international law and diplomacy, his services to his country were of inestimable value during the uncertain and eventful days before and during the late war with Spain, and as these last services to his country are yet fresh in the minds of a grateful people, the generous appreciation now manifested adds to the crowning patriotic achievements of his public life.

Mr. TOWNE. Mr. President, the language of eulogy has many times awakened the echoes of these august walls. Often in this place have affection, gratitude, and admiration paid their unstinted tribute to great talents, exalted character, valiant deeds, and useful service. Here whatever is high in purpose or excellent in performance has again and again been celebrated by all that is noble in thought and eloquent in speech.

To-day, with whatsoever humbleness a voice may raise itself to mingle with these mighty memories, there is that in the subject of this observance which vindicates propriety by transforming presumption into duty. His countrymen at large had hardly reached a just appreciation of the native genius and the vast and varied acquirements of CUSHMAN KELLOGG DAVIS when envious death obscured the light whose radiance had but begun to shine in its peculiar sphere and with its own original luster. The people of his Commonwealth, among whom he lived his simple, unostentatious, busy life in a familiar association of more than thirty years, had come to know him well.

His name is a household word throughout the State of Minnesota. His varied endowments, his wide and accurate scholarship, his versatile capacity, were common knowledge, and when he was called, as his fellow-citizens knew he some time must be, to a large opportunity upon the theater of the national history they looked confidently forward to a career that should leave all his countrymen as well assured as they themselves already were of his right to a place in the pantheon of American greatness.

In everyday life Mr. DAVIS was democratic and unconventional, genial and approachable, though never without that unobtrusive suggestion of dignity which almost seems to be the peculiar property of the true American gentleman. His simplicity was as unaffected as his self-respect was unmistakable. He had withal a lively sense of humor which, playing above an illimitable expanse of miscellaneous information, lighted up his conversation like sunshine upon a diversified landscape.

At the bar he early attained to eminence. Always a student in whatever interested him, he had an extensive acquaintance with the literature of jurisprudence, although the structure of his mind inclined him toward the exposition of principles rather than the mere aggregation of cases. His arguments to courts were models of legal reasoning and logical method; while in addresses to juries his intimate knowledge of human nature, his faculty of illustration, and his felicity of speech made him an opponent to be dreaded. As a trial lawyer he excelled in the arrangement of the order of his proofs, in his command of the rules of evidence, and in the art of examining witnesses, exhibiting with other merits in this last department that rare discretion which knows how to resist allurements toward excessive cross-examination.

Senator DAVIS was a conspicuous example of the scholar in politics. His reading, both in history and in general literature, was comprehensive and minute; but in this respect, as in others, he followed the instinct of his own taste and preference rather than any hard and fast programme of study. His library was his most congenial habitat. Thither with unerring certainty he might be traced in the intervals of professional engagements or public business. His books had gathered about him in answer to the call of his mind for companionship and counsel. He bought no volumes by job lot to fill shelf room and make a brave appearance. He knew each one of them like a friend. He handled them lovingly. He felt at home among them. Could they be marshaled in the order in which they came to him, their character and sequence would be at once an index to his many-sided capacities and a history of his growth.

His early love for the classics abided with him from his college days to the last. Ovid, and Livy, and Horace, and Virgil were customary relaxations; and I recall an occasion when, in selecting the contents of his valise for a journey, even a box of his favorite brand of cigars was compelled to give place to a copy of Sallust and a volume of Pliny's Letters. On his return from Paris two years ago he brought with him, as a trophy prized scarcely less than the famous treaty itself, a French edition of the entire extant Latin literature. Many Senators will, no doubt, remember his remarkably happy and ready rendering of a passage in one of Juvenal's satires which he made impromptu during the Hawaiian debate in the Fifty-third Congress. Having quoted as follows:

Sed quo cecidit sub crimine; quisnam
Delator? quibus iudiciis; quo teste probavit?
Nil horum; verbosa et grandis epistola venit
A Capreis. Bene habet; nul plus interrogo.

He thus proceeded:

My friend from Massachusetts [Mr. HOAR] requests me to translate that. He does not need it, of course. But another Senator [Mr. Washburn] suggests that some of the rest of us do. I will not attempt to give a literal translation, but I will give an accurate paraphrase, which will show its application: "Into what crime has he fallen? By what informer has he been accused? What judge has passed upon him? What witness has testified against him? Not one or any of these. A verbose and turgid message has come over from Capri. That settles it. I will interrogate no further."

Those who have not forgotten the circumstances under which this speech was made will understand that this passage is a good witness to much more than a familiarity with a Latin classic.

With all his various and wide excursions in the domain of general literature, there were some spots he specially loved to visit, a few nooks he made almost his own. A boyhood enthusiasm for Napoleon stimulated an interest in that wonderful man and all that concerned him, and led to the collection of many rare portraits of the great Corsican and of several hundred volumes dealing with his life and times.

It is probable that no other private library in this country can show so large a Napoleonic bibliography as that left by Senator DAVIS; and I question whether any living American other than Professor Sloane has at his instant command such a rich fund of accurate information concerning the first Emperor of the French as that which so often charmed and astonished the friends who were fortunate enough to be in the Senator's company when this absorbing topic was introduced and his mood was fertile.

It is doubtful whether Mr. DAVIS found in any other author

quite so keen a delight as in Shakespeare. Himself gifted with a vivid, yet sane imagination, exquisitely sensitive to the music and rhythm of perfect verse, prone to comprehensive generalization, and profoundly studious of the psychology of human character, the atmosphere of the incomparable poet-dramatist was most congenial to him. In his early manhood the study of Shakespeare was, as he has told us in a published essay, habitual. This study was not only con amore, it was critical, comparative, and exhaustive. Its results in one department of criticism he made known in a volume called *The Law in Shakespeare*, which remains, I believe, the best and most thorough exposition of this branch of Shakespearean learning. One passage from the "introduction" of this volume I will quote as an example of Senator DAVIS's literary style and of his method of thought:

There was everything in that romantic age to stir the imagination. There was a spirit of chivalry abroad which marched in quest of something more substantial than moldy relics, and fulfilled vows sworn to something grander than the achievement of pious absurdities. Frobisher had sailed northward into the silence of the eternal seas of ice. El Dorado lifted against the western skies its shafts and domes of gold. The Armada had vanished like a portentous phantom, smitten by the valor of Englishmen, and chased far off into the Hebridean fogs by the waves of the exasperated sea, which fought for its island nursling. Hawkins, pirate and admiral, had thrown his fortune into the pit which threatened to swallow up his country, and had died under the displeasure of his stingy yet magnificent queen. Raleigh, having seen his dreams of the New World die out, lay in the Tower writing his history, doubtless smoking the consoling weed while awaiting the end of so much bravery, so much rashness, and so many cares, in the summons of "eloquent, just, and mighty Death."

Drake had spoiled the seas and the cities thereof. Capt. John Smith had told of great empires in the West and their swarthy emperors. Mary, Queen of Scots, that changeful enchantress, as we see her now—at one time the French lily, all sweet, and pure, and fragrant, and again the Scottish thistle, spinous and cruel to all who touched her—had woven the cords of love into the chains of empire, and had pressed the cup of her sorceries to the lips of many men, until her own glorious head bowed to "the long divorce of steel."

Little argument is needed to show that the author of this paragraph might have entered upon almost any department of literature, whether creative, critical, or historical, with absolute assurance of distinction.

Senator DAVIS's facility in modern languages was very unusual for an American public man. He had for literary purposes a practical mastery of French, a knowledge of Italian only slightly less, and a very serviceable use of Spanish. One of the most valued sets of books in his collection was a complete and uniform edition of the Italian poets, through which in leisure hours he wandered, ever with senses alive to each peculiar beauty, from Dante and Petrarch to Leopardi. Contrary to the general impression, even among his friends, he knew and read the German language; but his admiration for its literature was confined to its poetry, chiefly the folk-songs, Heine, and the lyrics of Schiller.

One of the favorite subjects of his youthful investigation was destined to afford Mr. DAVIS his chief avenue of distinction in public life. I think it probably true that no contemporary statesman excelled him in acquaintance with the literature of international law, or in the ability to state its principles and to argue their application. All the elementary works on the subject in English, French, and Italian were familiar to him, and he was profoundly versed in diplomatic precedents and history. His conceded preeminence as an international lawyer in this body, where several of his colleagues were justly ranked high in the same branch of learning, is the strongest certificate to his abilities and attainments. These qualifications were recognized early in his Senatorial service, and it is well known that many successive Secretaries of State availed themselves of his great store of knowledge, always courteously at their command.

He himself has told me of one occasion whereon Secretary Blaine, by producing at a Cabinet meeting the particulars of a certain diplomatic precedent upon which Mr. DAVIS had happened while reading a French authority, was able at a critical moment to secure the adoption of a procedure that, in all probability, avoided the extremity of war with a South American State. The reports which, as member and as chairman of the Committee on Foreign Relations, he has submitted to the Senate during the last ten years form a very valuable literature on many important topics in international law.

Only those in the very highest places of responsibility can testify how intimate and constant a reliance had been placed on Senator DAVIS from the first mutterings premonitory of the Spanish-American war down to almost the very day of his death. Credible report has attributed to him the greater part of that masterly polemic in diplomacy whereby our peace commissioners at Paris, in a long series of interchanged notes with some of the ablest and astutest international lawyers in Europe, achieved a result which, even by those of us who do not approve the policy, must be admitted to constitute a signal triumph of dialectic skill.

Death found CUSHMAN K. DAVIS at the zenith of his powers and at the summit of his opportunities. He stood at the head of the committee which at the present critical juncture in our history is the most prominent committee of the highest governmental body in the world. If the policy on which his party has entered is to be pursued, the unexpired portion of his current term, com-

prising the next four years, must be all important in the shaping and adjustment of that policy as related to numerous and complicated international interests. This was a situation calculated to appeal to his highest ambition, to stimulate his greatest potencies, to spread before his mental vision the most satisfying prospect of worthy and enduring fame.

Yet here, on the threshold of the consummation of his career, at the very entrance to that fair field for whose delights and glories all his past seemed to have been a designed preparation, inscrutable fate had ordained that he should pause. No one realized the tragic pathos of the catastrophe more fully than did he; yet he bore the sorrow of it with a moral heroism equal to the physical courage which he opposed to the stoutest assaults of pain. He might wince, but he would not cry out; he could express regret, but he did not complain. And when his feet touched the waters of the river beyond which lies "that undiscovered country," the glance that sought inquiringly the farther shore was a glance that felt no shade of fear.

As a young man he had for a time yielded to the influence of that irreligious skepticism which was often the too hasty refuge of minds strongly impressed by the wonderful development of the physical sciences shortly after the middle of the nineteenth century. But as he grew older, and as his reading broadened and his habit of introspection strengthened, the thought that all the preparation of the centuries is purposeless and that the end of innumerable universes is mere nothingness gave no comfort to his soul and found no justification in his reason.

Familiar with the ancient philosophies and with the general principles of recent science, he found in both of them that which, while it yielded no exclusive basis for a particular creed, yet gave ample support to the sweet assurances of the Christian religion respecting the future life. The Grecian thinkers had reached conclusions summarized in the well-known lines of Addison's Cato:

It must be so,—Plato, thou reasonest well!
Else whence this pleasing hope, this fond desire,
This longing after immortality?
Or whence this secret dread and inward horror
Of falling into naught? Why shrinks the soul
Back on herself, and startles at destruction?
'Tis the divinity that stirs within us;
'Tis Heaven itself that points out an hereafter,
And intimates eternity to man.

Modern cosmogony, in sweeping away the ancient fond delusion that the sun, the moon, and the unnumbered stars, "still quiring to the young-eyed cherubims," circle obediently about the earth, the central home of specially created man, merely to give him light and to serve as pleasing objects of his aesthetic contemplation, has substituted a doctrine infinitely more flattering to his consequence and in itself strongly probative of his immortality. It shows the human drama to have begun in the primordial chaos among the whirling atoms of diffused universes, the raw material of unborn worlds.

By the operation of forces of which the finite mind can not begin to grasp either the subtlety or the power, through reaches of time for which even the strongest symbols of our speech are weak as aids to the faltering imagination, the laws of the Eternal Beneficence evolved the order of celestial systems and the mysterious phenomena of life. At the culmination of the long ascent of being stands man, the consummate product of a creative process that began before "the morning stars sang together." Every resource and agency of nature is tributary to him—first, to develop the body, next to nurture the mind, and finally to culture the soul and fortify it for its career through the yet unsounded spaces of spiritual progress.

In his primitive condition man's whole anxiety was to procure the means of mere physical existence and security. By and by the chief concern of this very existence and security came to be the higher things of the mind. Now we are beginning dimly to realize that the spiritual life is the highest of all, the goal toward which the vital principle has been climbing through all the æons gone. There is not an analogy in nature that does not justify the belief that the perfection of this spiritual life is the very flower and purpose of creation. This fact crowns existence. This is the master key to what otherwise is a maze of unintelligible phenomena. This, indeed, "vindicates the ways of God to man."

With such inferences the teachings of the Prophet of Nazareth are in full accord. To know God is, he declared, to have eternal life. When man entered upon the pursuit of this knowledge he began the final stage of his destiny. The founding of Christianity was incomparably the most significant event since the very beginning of things. Said Senator DAVIS, not long before his death, in language which has already been quoted by the Senator from Wisconsin [Mr. SPOONER]:

I know human history, and I know that in the first century something happened that destroyed the old world and gave birth to the new. The resurrection of Jesus would account for that change, and I do not know of any other adequate solution that has ever been proposed.

Thus, it seems to me, the conclusions of philosophy, the rationale

of science, and the teachings of revealed religion point unerringly to immortality. In this supreme conviction our great friend departed. Though we may mourn the loss of his companionship, let us find more than consolation in the thought that the soul whose labors seemed so untimely interrupted here is still serenely following, in a more congenial environment, its divinely appointed part in the eternal harmony.

Mr. President, I respectfully ask for the adoption of the resolutions.

The resolutions were unanimously agreed to; and (at 3 o'clock and 38 minutes p. m.) the Senate adjourned until Monday, January 14, 1901, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 12, 1901.

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read, corrected, and approved.

UNITED STATES COURT, EASTERN DISTRICT OF TENNESSEE.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The bill (H. R. 12546) to change and fix the time for holding the district and circuit courts of the United States for the northeastern division of the eastern district of Tennessee was read, as follows:

Be it enacted, etc., That the terms of the circuit and district courts of the United States for the northeastern division of the eastern district of Tennessee, held at Greeneville, Tenn., shall commence on the second Monday in November and May of each year, instead of the fourth Monday in August and February, as is now provided by law, and each of said terms shall continue as long as the presiding judge may deem necessary.

SEC. 2. That no action, suit, proceeding, information, indictment, recognition, bail bond, or other process in either of said courts shall abate or be rendered invalid by reason of the change of time in the holding of the terms of said courts, but the same shall be deemed to be returnable to, pending, and triable at the terms herein provided for.

SEC. 3. That all laws and parts of laws conflicting with this act be, and are hereby, repealed.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON of Tennessee. I desire to ask the gentleman if this bill is asked for by the Representatives of that judicial district on this floor?

Mr. JENKINS. I did not hear the remark of the gentleman.

Mr. RICHARDSON of Tennessee. I know nothing about the bill myself. It relates to the eastern district of the State, and I was inquiring if the members on this floor who represent the eastern district are satisfied with it. I see they are both on the floor now.

Mr. JENKINS. I will say to the gentleman from Tennessee that the bill was presented at the request of the judge of that circuit, and it has the indorsement of the Representatives of that district here.

Mr. RICHARDSON of Tennessee. I see these gentlemen are present, and I have nothing further to say.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

JAMES L. PROCTOR.

Mr. FITZGERALD of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5599) to correct the military record of James L. Proctor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of James L. Proctor, of the county of Kings, State of New York, late a private in Company F, Ninetieth Regiment of New York Veteran Volunteers.

The following amendments, recommended by the Committee on Military Affairs, were read:

In line 4, after the word "to," strike out the words "remove the charge of desertion from the military record of" and insert in lieu thereof the words "grant an honorable discharge in lieu of the dishonorable discharge heretofore granted to."

In line 9, after the word "Volunteers," insert "Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a

third time; and it was accordingly read the third time, and passed.

By unanimous consent, the title was amended so as to read: "A bill granting an honorable discharge to James L. Proctor."

On motion of Mr. FITZGERALD of New York, a motion to reconsider the vote by which the bill was passed was ordered to lie on the table.

CERTAIN INDIANS IN THE INDIAN TERRITORY.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill as amended. I ask that the amended bill be read.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of the bill which the Clerk will report.

Mr. LACEY. As amended.

The SPEAKER. The Clerk will read it as amended, that being the request of the gentleman from Iowa.

The bill (H. R. 8966) for the relief of certain Indians in the Indian Territory who desire to sell their lands and improvements and emigrate elsewhere was read, as follows:

Be it enacted, etc., That when at any time 300 or more Indians of the Indian Territory shall request, by petition or through authorized representatives, of the Secretary of the Interior permission to sell or otherwise dispose of their lands and improvements, or any interest therein, in the Indian Territory, or to obtain their distributive share of any money held for them by the Government of the United States which such petitioners may desire to use for the purpose of buying lands elsewhere, the Secretary of the Interior is hereby authorized in his discretion to ascertain their proportionate share of lands and funds, and allot and set aside the same to them, or such part thereof as he may deem proper, and to assist such Indians to sell or dispose of such lands and improvements, or any interest therein, in whole or in part, in the discretion of said Secretary, as may be or may have been allotted and set apart for them, and to give deeds and patents in fee, or execute papers for the United States Government to carry out the desires of said Indians; and he shall see that their rights are protected or secured by the payment to them in full or in part, in the discretion of the Secretary of the Interior, of the moneys due them for such lands, or that good and ample bonds or securities for the payment of such lands be secured to said Indians: *Provided, however*, That such moneys or bonds shall be held by the Secretary of the Interior, in his discretion, so long as may be necessary to protect and preserve the rights of such Indians after such transfer, a portion to be paid for such lands as are selected by said Indians, a portion to be used in moving to and improving said lands, and if any is left thereafter, to be paid out as instructed by a majority of the entire band, tribe, or organization so emigrating at any one time, subject to the discretion of the said Secretary: *Provided, however*, That if any such Indians emigrate or move to a foreign country, the Secretary of the Interior be authorized, and is hereby instructed, to approve of such terms or agreement with such foreign government as will best promote the interest, wishes, and desires of such Indians: *And provided further, however*, That said Indians so emigrating or separating themselves from the others of their nation or tribe shall not lose any of their rights to participate in any other claims, property, or funds belonging to the nation or tribe of which they are a part which have not been already set aside; and the pro rata share of said property or funds shall, when determined, from time to time be turned over to the Secretary of the Interior, and set apart for them, subject to their order; and that after emigrating from the territory of the United States all reliance and support of said Indians of and by the United States Government shall cease: *And provided also*, That the Secretary may furnish money for the purposes of this act out of the funds due such Indians, and which he may set apart for that purpose without making sale of their lands, if the Secretary may deem it for the best interest of such Indians so to do. It is expressly declared and understood that the United States in the execution of the provisions of this act incurs no liability whatever.

Mr. RICHARDSON of Tennessee. Mr. Speaker—

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. I want to hear from the gentleman from Iowa before consent is given. It strikes me this bill is very far-reaching and very important, and not that class of bills that ought to come up by unanimous consent. Reserving the right to object, I would like to have a very full explanation from the gentleman from Iowa.

Mr. LACEY. Mr. Speaker, I hope we will have order in the House, so that an explanation of the bill may be heard.

Mr. RICHARDSON of Tennessee. It takes away all the right of the Indians.

Mr. LACEY. This is a very important bill, as suggested by the gentleman from Tennessee. It comes before the House with a unanimous report from the Committee on Indian Affairs, after a careful examination. There are some Indians in the Indian Territory who wish to move to Mexico, and some to other parts of the grazing lands in the West. The bill, as introduced, asked Congress for a direct and specific authority to make the removal. The committee did not deem this proper, because the committee could not ascertain all the facts—could not investigate adequately—and therefore concluded that the proper thing to do was to give the Secretary of the Interior such discretion as might enable him, in his discretion, in any proper case to make this transfer. This desire for a transfer grows out of the fact that some 200 Kickapoos—kicking Kickapoos, I believe—emigrated to Mexico, and they have so increased in that climate in twenty years that there are now about 500 of them.

Those of the tribe who remained in the Indian Territory have diminished in number. There are some of the Indians in that Territory who are very subject to pulmonary disease, and they desire a transfer; and for that reason it is believed by the committee that if power were lodged with the Secretary of the Interior to authorize transfers where it was proper, that that should be

done instead of coming here to Congress and asking power to transfer each lot of Indians. This being a large body, Congress would find it impossible to make the transfer and properly protect the Indians in making the transfer.

Mr. RICHARDSON of Tennessee. Does it require 300 Indians to ask it at a time?

Mr. LACEY. It is not less than 300 at a time; so as to make a sufficient body, and justify the taking care of them. As a matter of fact, there are a good many hundreds who have made the petition; but it was deemed proper that 300 or more should join, and that the matter should be left to the discretion of the Secretary of the Interior to look up the lands and investigate the whole matter; and if he deemed it best for their interest under all the circumstances that they should be transferred to authorize it.

Mr. RICHARDSON of Tennessee. Under this bill, then, when a body of 300 Indians make this request for transfer the Secretary of the Interior shall investigate that particular case and ascertain whether it is best for the interests of the Indians.

Mr. LACEY. This places it in his discretion; and if he thinks it best for their interests he may authorize the transfer.

Mr. RICHARDSON of Tennessee. Is it obligatory to make this investigation each time?

Mr. LACEY. It is discretionary; so that it is entirely left with him. The committee leave it in a shape so that if the Indians want to make a transfer they would be permitted to do so if it was deemed to be to their interest.

Mr. RICHARDSON of Tennessee. Perhaps I have not made myself clear to the gentleman. What I wanted to know was if the Secretary must pass upon each application as it comes up?

Mr. LACEY. He has to pass on each, so that each transaction of this kind would have to stand on its own individual merits.

Mr. RICHARDSON of Tennessee. That is what I am asking. The gentleman is sure of that?

Mr. LACEY. That has been very carefully considered and guarded. The original bill authorized the direct transfer, but the committee thought it was not the best way. The committee thought the direct authority should not be given by Congress, but that it was best to lodge the discretion with the Secretary of the Interior.

Mr. MADDOX. Is it not a fact that a number of Indians have become dissatisfied on account of the allotments of land in the Territory?

Mr. LACEY. There are two classes of Indians—

Mr. MADDOX. Is it not a fact that they are encouraged in that dissatisfaction by certain white men who want to get possession of their lands?

Mr. LACEY. There is not a foot of Indian land anywhere that some white man does not want. But let me explain right in that connection. There are two classes of Indians whose desire to move ought to be considered. One class, who are especially adapted to pastoral life, who have not shown themselves adapted to agriculture. Those could be transferred to the short-grass country to their own benefit. There is another class, those who have been sent there from the far North and from the extreme South, and where there has been a radical change of climate, and the climate of the Indian Territory has proved injurious to some of those, the transfer has made them subject to malarial and pulmonary diseases. Those ought to be transferred, or at least ought to have some opportunity for doing so. That is the judgment of the committee. There is another class of Indians, those who do not want to settle down to farming, who take to it slowly, and out of each hundred in a tribe a few could be selected who desired to change; let the discontented element go, and this, no doubt, would very much help the solution of the civilization of the Indian Territory.

At least the Department of the Interior should be empowered to consider and act upon the suggestion.

Mr. MADDOX. This is the preliminary step to get rid of all the Indians in that country?

Mr. LACEY. Not at all; this is merely an opportunity by which some of them can go. Now any individual Indian, after his allotment, and after the time of probation on an allotment has expired, may sell and go where he wants to. Some Indians ought to have that privilege now. Others that are not civilized or advanced enough to go ought not to have it. By this sort of selection it was thought by the committee that there would be no difficulty in solving the question where there is immediate, urgent necessity for action.

Mr. MADDOX. It seems to me that your bill is contrary to the public policy; that is, the policy that has been practiced in this country up to this date. The Indians are the wards of the nation, and you get this consent, which is very easily obtained, as they are ignorant and do not know how to transact their business; certain white men get possession of their territory, and it is the greatest evil that seems to be prevalent down there to-day. Is not this a direct effort on the part of the people to get rid of the Indians to

get possession of the property? And in the end will not the Indians become paupers and dependent on the nation?

Mr. LACEY. That is carefully guarded against in this proposition. The wardship of the nation still extends over them and protects them.

Mr. RICHARDSON of Tennessee. Does this bill apply to all the tribes of Indians in the Indian Territory?

Mr. LACEY. Yes; there are only a few Indians who will avail themselves of it. There are a few that urge this permission, and they sought to have a bill drawn to fit their case. We felt that we could not carefully frame such a bill, and we thought it best to frame one so that each case might be investigated.

Mr. RICHARDSON of Tennessee. I would be glad if the gentleman would read that part of the bill which shows that each request must be passed upon under the special observation of the Secretary of the Interior. I have been unable to get a copy of the bill.

Mr. LACEY. That is in the first part of the bill. I will read it:

That when at any time 300 or more Indians of the Indian Territory shall request, by petition or through authorized representatives, of the Secretary of the Interior permission to sell or otherwise dispose of their lands and improvements, or any interest therein, in the Indian Territory, or to obtain their distributive share of any money held for them by the Government of the United States which such petitioners may desire to use for the purpose of buying lands elsewhere, the Secretary of the Interior is hereby authorized, in his discretion, to ascertain their proportionate share of lands and funds, and allot and set aside the same to them, etc.

It is entirely tentative and permissive. It is not mandatory in any sense of the word. It is a power that ought to have been granted long ago, and would have worked for the benefit of the Indian. I will say to my friend from Georgia [Mr. MADDOX] that it does not contemplate any such transaction as occurred years ago in the State of Georgia, where the Indians were rounded up and driven from the State. Nothing of that kind is contemplated. We have got way beyond the period when there was actual hostility to the Indians on the part of the whites.

Mr. MADDOX. I want to say to the gentleman that when the Indians were rounded up in Georgia and Alabama, if ever a nation entered into a solemn compact to protect their rights in the new acquisition it was in that treaty, and we bound ourselves to keep it in good faith as long as water runs down hill and grass grows.

Mr. LACEY. That is true, and this proposition absolutely carries that out in the utmost good faith. Nothing is done, except upon their own petition, as long as water runs down hill and grass grows. They ought to have the permission, if they can better themselves and their condition, to do so. The gentleman from Georgia must remember that they are in a different condition from what they were when they left Georgia. Many of these men rival in intelligence the gentlemen on the floor of the House. Many are educated—

Mr. MADDOX. The gentleman from Iowa will understand that they were the most intelligent Indians in the United States at the time they left Georgia.

Mr. LACEY. Undoubtedly; they were descended largely from the Georgia people. [Laughter.]

Mr. MADDOX. They were bound to be. [Laughter.] I do not want to be captious in making objections, but I do want to investigate the bill, which is a very important one.

Mr. LACEY. The bill was unanimously reported by the committee. The bill was called up the other day and read in full, but was laid over because it was private bill day. It was called up the last session and laid over "because the Coeur d'Alene testimony had not been printed." So this is the third time that the bill has been explained to this House.

Mr. MADDOX. Suppose the gentleman lets it lie over until Monday next.

Mr. LACEY. This is the third time it has been explained, and the bill has been printed in full in the RECORD. The gentleman from Georgia [Mr. LEWIS] joined with the committee in the unanimous report of the bill. I am sorry the gentleman from Georgia [Mr. MADDOX] was not on the committee.

Mr. MADDOX. I will say to the gentleman that I served four years on that committee and I happen to know something about this business, and that is the reason I am talking about it now. For that reason I would like to look into the bill. I have been watching this thing for some time.

Mr. LACEY. This is an entirely new proposition in its present form; and I call the attention of the gentleman to the fact that it is purely tentative.

If the bill be passed, I will agree to make no motion to reconsider and lay on the table; the bill may lie over subject to a motion for reconsideration. That will give my friend ample opportunity to examine the matter. Or, upon the passage of the bill, he may enter a motion to reconsider and afterwards press that motion or not, as he may decide after examination.

Mr. MADDOX. That is a rather poor method of proceeding.

Mr. LACEY. The gentleman will be perfectly safe, because the motion to reconsider is privileged.

Mr. MADDOX. I am perfectly safe now, but by the course suggested I would have all the advantages against me. I again suggest that the gentleman postpone this matter until Monday, so that we may look the matter over together.

Mr. LACEY. I may not get recognition on Monday. This is the third time the bill has been read and explained in the House. I am sorry my friend was not here before.

The SPEAKER. Is there objection?

Mr. MADDOX. I shall have to object.

FRANK B. CASE.

Mr. COWHERD. I ask unanimous consent for the present consideration of the bill (H. R. 11590) for the relief of Frank B. Case.

The bill was read, as follows:

Be it enacted, etc., That the President be, and is hereby, authorized to appoint Frank B. Case, of Missouri, a line officer in the Navy, to take rank at the foot of his original class and next after Simon Cook, and said Case shall thereafter be carried as additional to the numbers of each grade to which he is appointed or thereafter at any time promoted, and he shall perform shore duty or such duty at sea as the physical disability for which he was retired will permit, and the provisions of section 1494 of the Revised Statutes are hereby made applicable to his case: *Provided*, That the said Case shall establish to the satisfaction of the Secretary of the Navy by examination, pursuant to law, his mental, moral, professional, and physical fitness to perform the shore duties of a lieutenant or of the grade to which he may be appointed.

The SPEAKER. Is there objection?

Mr. HOPKINS. I shall be compelled to object for the present.

Mr. COWHERD. I hope the gentleman will allow me to explain the matter.

Mr. HOPKINS. I want to know whether this is going to interfere with some young men in the Navy in whom I have an interest.

Mr. COWHERD. If the gentleman will allow me to explain I think he will see that the bill can not have any such effect. I trust he will withhold his objection for the present.

Mr. HOPKINS. Very well; reserving the right to object, I am willing to listen to the gentleman's explanation.

Mr. COWHERD. Mr. Speaker, this is one of the few cases in the history of the Navy. I believe there are one or two others of similar nature. There are certainly not more than two or three cases where an officer has been wholly retired from the service on account of a physical disability when there was no question touching his moral conduct or character. This case, however, goes further than that. If absolute justice were done, this gentleman, instead of being retired from the Navy, would have gone on the retired list with pay in accordance with the compensation given to officers retired for disability incurred in service.

The facts are these: Mr. Case was appointed a cadet and passed all the examinations to which cadets entering that Academy are subjected. He went through the full course and graduated. On his second trip, he was sent as one of the force on the relief expedition in search of the *Jeannette*. The navigating officer of the ship was taken sick, so that during almost that entire voyage he had to occupy the position of navigating officer, and was compelled to be on deck and keep watch. When he returned from that voyage, he was immediately summoned to take an examination for promotion. The doctors then found that he was suffering from color-blindness. Mark you, he had passed at least three examinations prior to this time, and no color-blindness had been found. This, I think, was the first case where upon such an examination a man had been found to be color-blind and relieved for that cause. The physicians then held that color-blindness was congenital; that no man could acquire color-blindness by reason of his service. Therefore they held that this man ought never to have been received in the Navy, and that he ought to be wholly retired, instead of being placed on the retired list.

It is now, however, recognized by medical authorities that color-blindness may be either congenital or acquired, and among the things given by the authorities as most likely to cause color-blindness is exposure to the glare of the sunlight from ice fields and from large territories covered with snow. The authorities cite cases of color-blindness caused by exactly such circumstances as those to which Mr. Case was subjected on the trip taken just before his examination.

He was totally retired—a proceeding unprecedented practically in the Navy—when there was not anything against the efficiency of his service or against his character. When the Spanish war broke out he offered his services to the Government. He was sent down to be examined, and was passed. Of course he was asked whether he had ever seen service, and the history of his case was given to the examining board. He was given another examination, and two of the three doctors passed him again. Then, at the earnest solicitation of the other physician, he was given a third examination and was rejected, although the color-blindness which appeared was at that time very slight.

This gentleman is fully qualified to perform all the duties of an officer. He stands high. He is at present engaged in the Department on civilian work. As I have said, if justice had been

done him he would either be on the regular force or be wholly retired with full compensation. Now, all we ask is that he be allowed to reenter the service and stand at the foot of his class (I think that before his retirement he stood about the center), and that he be carried on the roster as an additional officer, so that he will not interfere with the rights of anyone else.

Mr. HOPKINS. How long has he been out of the service?

Mr. COWHERD. I think the report will show that he has been out about ten years or more. Upon reflection, I think he was retired about 1883.

Mr. HOPKINS. And this proposition is to put him into active service again?

Mr. COWHERD. Yes, to put him into active service—such service as he is competent to perform; and he is competent to perform any except where color-blindness may interfere.

Mr. HOPKINS. The only object in putting him back there would be to put him on the retired list.

Mr. COWHERD. Oh, no.

Mr. HOPKINS. He can not have active service because of his color-blindness.

Mr. COWHERD. He can. He can perform any service, except where this defect interferes. In fact, he is now performing service in the Department as a civilian employee. A bill was introduced to put him on the retired list, and this bill was drawn up at the suggestion of the committee and following a precedent that has been established in a former case, recommended, as I understand, in the former case, by the Secretary of the Navy.

Mr. HOPKINS. I desire to look into the matter, and, for the present, I will object.

Mr. COWHERD. If justice was done him, he would go on the retired list; but he does not want that. He is a young man and is capable of serving.

Mr. HOPKINS. I will look into the matter.

CERTAIN INDIANS IN THE INDIAN TERRITORY.

Mr. LACEY. Mr. Speaker—

The SPEAKER. Does the gentleman from Georgia withdraw his objection to the request presented some time ago by the gentleman from Iowa [Mr. LACEY] for the present consideration of a bill?

Mr. MADDOX. Subject to the adoption of certain amendments.

The SPEAKER. Is there objection to the consideration of the bill of the gentleman from Iowa [Mr. LACEY]?

Mr. FINLEY. I should like to ask the gentleman a question. I should like to ask whether these Indians, who are now by the provisions of this bill to sell their lands and buy lands elsewhere in the United States, will hold the lands which they buy elsewhere under like limitations and restrictions as their lands are now held by them in the Indian Territory?

Mr. LACEY. That matter is placed in the discretion of the Secretary, and with the proposed amendment of the gentleman from Georgia [Mr. MADDOX] will require the approval of the President as well. He thinks there should be an additional restriction, but we do not object to any restriction that will protect the Indians in this matter. The committee endeavored to insert all that they thought necessary to protect them.

Mr. FINLEY. Will the gentleman agree to an amendment that they shall hold the lands bought elsewhere in the United States under like limitations and restrictions as the lands that they now hold in the Indian Territory are held?

The gentleman from Iowa has stated here that some of these Indians have not yet reached that point of civilization that entitles them to deal with their lands with entire freedom. Now, if that is true in all such cases, should not the Secretary of the Interior look after the interests of those Indians when lands are being purchased elsewhere?

Mr. LACEY. I shall not object to an amendment of that kind, if the gentleman will prepare it. It can be added as a proviso at the end of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendments.

Mr. MADDOX. Mr. Speaker—

The SPEAKER. Let the committee amendments be disposed of first.

The committee amendments were agreed to.

Mr. LACEY. The gentleman from Georgia [Mr. MADDOX] has some amendments which he desires to offer.

Mr. MADDOX. I want to have the bill amended in line 11 by inserting "with the approval of the President" after the word "authorize."

The Clerk read the proposed amendment, as follows:

After the word "authorize," in line 11, page 1, insert the words "with the approval of the President."

The amendment was agreed to.

Mr. MADDOX. In line 6, page 2, after the word "Secretary," I move to insert "with the approval of the President."

The amendment was read, as follows:

In line 6, page 2, after the word "Secretary," insert "with the approval of the President."

The amendment was agreed to.

Mr. MADDOX. In line 12, page 2, after the word "Interior," I move to insert "with the approval of the President."

The amendment was read, as follows:

On page 2, line 12, after the word "Interior," insert "with the approval of the President."

The amendment was agreed to.

Mr. MADDOX. In line 16, after the word "Interior," I move to insert "with the approval of the President."

The amendment was read, as follows:

In line 16, page 2, after the word "Interior," insert "with the approval of the President."

The amendment was agreed to.

Mr. MADDOX. On page 2, line 25, after the word "Interior," I move to insert "with the approval of the President."

The amendment was read, as follows:

On page 2, line 25, after the word "Interior," insert "with the approval of the President."

The amendment was agreed to.

Mr. MADDOX. In line 18, page 3, after the word "Secretary," I move to insert "with the approval of the President."

The amendment was read, as follows:

In line 18, page 3, after the word "Secretary," insert "with the approval of the President."

The amendment was agreed to.

Mr. FINLEY. I offer the amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from South Carolina offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Provided, That the lands so repurchased in the United States shall be held by the purchasers under like limitations as those held at present.

The SPEAKER. Where does this come in?

Mr. FINLEY. At the end of the bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

GRAND PORTAGE INDIAN RESERVATION.

Mr. MORRIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The bill (H. R. 10664) granting permission to the Indians on the Grand Portage Indian Reservation, in the State of Minnesota, to cut and dispose of the timber on their several allotments on said reservation, was read, as follows:

Be it enacted, etc., That the Indians on the Grand Portage Indian Reservation, in the State of Minnesota, shall be, and they are hereby, permitted to cut and dispose of the timber on their several allotments, under such rules and regulations as may be prescribed by the Secretary of the Interior.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McRAE. I should like to have the bill reported again. My attention was diverted at the time of the reading.

The bill was again read.

Mr. UNDERWOOD. Mr. Speaker, I reserve the right to object, if the gentleman wants to say anything. It looks as though this bill was intended to allow the Indians to sell their timber lands without any restriction, and I do not think it is the kind of a bill that ought to pass. My friend and I have had some experience with timber lands in that part of the country, and, as a rule, the man that they sell to gets it all and the Indian gets nothing.

Mr. MORRIS. If the gentleman will allow me to make an explanation.

Mr. UNDERWOOD. Certainly. I reserve the right to object.

Mr. MORRIS. I think I can make it clear to my friend. You will notice that the language of this bill is to permit the Indians of this little reservation not to dispose of their lands at all, but to cut and dispose of the timber on their allotments. Now, this is a little reservation in the northeast corner of the State of Minnesota. The lands which have been allotted to the Indians are not valuable for merchantable timber in the ordinary acceptance of that term. They are, to some extent, valuable for the cedar posts and paving blocks which are on these allotments. The object of this bill is to give these Indians the right to cut and dispose of this kind of timber in order that they may have some occupation in winter, and also to piece out the meager annuities which they receive from the Government.

I will say to the gentleman from Alabama [Mr. UNDERWOOD]

that since I have been in this House I have been obliged to make application to the Commissioner of Indian Affairs to furnish supplies to these Indians in the winter time in order to keep them from starvation. The idea of this bill is simply to provide that they may be able to dispose of this timber so as to give them something to do, and also to piece out their annuities which they receive from the Government. I will further say to the gentleman from Alabama that I took up this matter with the present Commissioner of Indian Affairs, who is perhaps as particular about the disposal of any timber lands of the Indians as any Commissioner of Indian Affairs has ever been.

I went over this matter thoroughly with him, and he, with a full knowledge of the facts, said he thought it would be not only advisable but the very best thing that could be done that such a bill as this should be passed, but that this timber should be cut and disposed of under such regulations as the Indian Department should prescribe. In conformity with his suggestion I prepared the bill as it is now presented, and there is a report here, from the Commissioner of Indian Affairs or from the Secretary of the Interior, favoring the passage of the bill.

Mr. UNDERWOOD. I should like to hear the report of the Commissioner of Indian Affairs.

Mr. MORRIS. The report is on the Clerk's desk. It comes in the shape of a communication from the Secretary of the Interior, but it went through the Commissioner of Indian Affairs.

The SPEAKER. The Clerk will read the communication.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 26, 1900.

SIR: The office is in receipt, by Department reference of April 23, 1900, for report, of a letter dated April 20, 1900, from Hon. J. S. Sherman, chairman of the House Committee on Indian Affairs, transmitting H. R. 10664, entitled "A bill granting permission to the Indians on the Grand Portage Indian Reservation, in the State of Minnesota, to cut and dispose of the timber on their several allotments on said reservation."

The bill is as follows:
"Be it enacted by the Senate and House of Representatives of America in Congress assembled, That the Indians on the Grand Portage Indian Reservation, in the State of Minnesota, shall be, and they are hereby, permitted to cut and dispose of the timber on their several allotments under such rules and regulations as may be prescribed by the Secretary of the Interior."

The Chippewa Commission, appointed and acting under the provisions of the act of Congress approved January 14, 1889 (25 Stats., 642), has allotted 24,191.31 acres of land on the Grand Portage Reservation to 304 Indians of said reservation. Said commission completed its work and made its report September 12, 1896. Said report was approved by this office November 4, 1896, and by the Department November 9, 1896.

As the bill under consideration vests in the Department entire control of the cutting and disposition of the timber on the allotments on the Grand Portage Reservation, as most of the land is unfit for agricultural purposes, as there is but little timber upon it, and as the annuities of the Grand Portage Indians are small, the office is of the opinion that the bill should be enacted into law, and recommends that the honorable Chairman of the House Committee on Indian Affairs be so advised.

Very respectfully, your obedient servant,

A. C. TONNER,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

Mr. UNDERWOOD. I see from the report of the Commissioner of Indian Affairs that there is very little timber on that reservation, and for that reason I will not object. My experience has been that where the Indians have occupied timber lands and have been allowed to dispose of timber the contractor gets all and the Indian gets nothing. In this case it seems that there is very little there.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and, was accordingly read the third time, and passed.

On motion of Mr. MORRIS, the motion to reconsider the last vote was laid on the table.

ARIZONA WATER COMPANY.

Mr. WILSON of Arizona. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 10667) to authorize the Arizona Water Company to construct power plant on Pima Indian Reservation in Maricopa County, Ariz.

Be it enacted, etc., That the Arizona Water Company, its successors and assigns, be, and it hereby is, authorized to erect, construct, maintain, and operate a water-power plant at the place on the Indian reservation set apart for the Pima and Maricopa Indians by Executive order dated June 14, 1879, in the county of Maricopa, Territory of Arizona, where the Arizona Canal, by means of a crosscut canal, drops a portion of the water back into the Salt River theretofore taken out by its dam and head gate. Said Arizona Water Company, its successors or assigns, is also authorized to erect, construct, and maintain the necessary poles and wires for the purpose of transmitting across said reservation, at the most practicable and convenient route, the electricity to be generated by such power plant: *Provided, however*, That said Arizona Water Company, its successors or assigns, shall at all times save and protect all persons on said Indian reservation from any and all damages which may be caused by the erection and maintenance of said power plant, pole line, and wires used in connection therewith.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. KLEBERG, a motion to reconsider the vote by which the bill was passed was laid on the table.

DAM AT OR NEAR KNOXVILLE, TENN.

Mr. GIBSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 12009) to grant the Knoxville Power Company the right to dam the Tennessee River, at or near Knoxville, Tenn.

Be it enacted, etc., That the Knoxville Power Company, of Knoxville, Tenn., be, and is hereby, authorized to construct a lock and dam across the Tennessee River at or near Knoxville, for the purpose of furnishing power for lighting, manufacturing, and other purposes.

SEC. 2. That said company, in the construction and operation of said lock and dam, shall conform to all the conditions and requirements that may be made by the Secretary of War.

SEC. 3. That before beginning the work the Knoxville Power Company shall file with the Secretary of War the plans, drawings, specifications, etc., to be used in connection with the construction of said lock and dam, and shall have his approval thereof, and until such approval is given the structure shall not be commenced.

SEC. 4. That the work of construction of said lock and dam shall be carried on in such a manner as not to unnecessarily interrupt or impede navigation while it is in progress; and when constructed the lock and dam shall be operated at the cost and expense of the said Knoxville Power Company: *Provided*, That the works shall be so constructed and operated as not to interfere in any way with the regular flow of water in the river, and any ponding up or storing the water during certain periods so as to use it more rapidly during other periods is hereby prohibited: *Provided further*, That the said company shall be responsible for any damage or injury inflicted upon navigation interests by said works or by reason of the failure of the said company to comply with any conditions or requirements made by the Secretary of War in respect thereto, and the said company shall also be responsible for any damage to private property resulting from overflow, and any litigation arising from any of these causes may be tried in the courts of the United States for the district in which the said works are situated: *Provided further*, That should the works at any time and for any cause whatever become an unreasonable obstruction to navigation, the Secretary of War shall have authority to direct and compel the Knoxville Power Company to make such changes as may be necessary to obviate such obstruction at the expense of the said Knoxville Power Company.

SEC. 5. That this act shall be null and void if actual construction of the works be not commenced within two years and completed within five years from the date hereof.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. I will reserve the right to object if the gentleman wishes to say anything.

Mr. GIBSON. I will say to the gentleman from Alabama that this bill was reported by the Committee on Interstate and Foreign Commerce in lieu of the one I introduced on the same subject, and is, in effect, recommended by the Secretary of War, by General Wilson, and by Major Kingman. It will improve the navigation of the Tennessee River without any cost to the Government. The whole matter will be under the charge of the War Department. The expenses of operating the locks are all borne by the company. The United States is put to no expense. It is an improvement of the navigation of the river at a cost of over \$400,000, and possibly a half million of dollars. Major Kingman says it is the very sort of improvement that the Tennessee River needs, and therefore it is recommended by the engineering department of the Government.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, I desire to ask the gentleman if this river is navigable at this place at this time?

Mr. GIBSON. It is navigable in ordinary water. This improves the navigation for a distance of 20 miles above Knoxville.

Mr. UNDERWOOD. How many months of the year is the river navigable at present?

Mr. GIBSON. Eight months, and often all the year round, for light-draft boats.

Mr. UNDERWOOD. And you propose to put a dam there to improve the navigation?

Mr. GIBSON. To improve the navigation above Knoxville. But the dam is to be so constructed that boats can pass it by means of a lock.

Mr. UNDERWOOD. Is there anything in this bill that prevents the company charging lockage?

Mr. GIBSON. Locks are provided for, all at the expense of the company, and under the control of the War Department.

Mr. UNDERWOOD. Is there anything in this bill that prohibits the company charging the commerce of the river lockage?

Mr. GIBSON. Yes; all lockage is done free.

Mr. UNDERWOOD. Does the bill state that?

Mr. GIBSON. It expressly provides it in the bill. A similar bill is also before the Senate, and the Senate Committee on Commerce has added two small amendments, which I propose to add, that the lock and dam shall be operated free of cost or charge to all vessels passing through the same, and at the cost and expense of the Knoxville Power Company.

Mr. UNDERWOOD. I will state to the gentleman from Ten-

nessee that the people of my State are largely interested in the Tennessee River. The bill may be a very good one, but it is the first time I have heard of it, and I am not willing to have it go through by unanimous consent, without looking into it to satisfy myself that it is all right, because it evidently surrenders the whole control of that river to a private corporation. I object for the present.

EDWARD EVERETT HAYDEN.

Mr. MEYER of Louisiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

An act (S. 2884) for the relief of Edward Everett Hayden, an ensign on the retired list of the Navy.

Whereas Ensign Edward Everett Hayden, United States Navy, was placed upon the retired list of the Navy by reason of the loss of a leg, resulting from an accident incurred in the line of duty; and

Whereas sections 1493 and 1494 of the Revised Statutes of the United States permit an officer of the Navy who has been wounded in the line of duty to remain upon the active list while capable of performing other than sea duty; and

Whereas several other officers of the Navy suffering from similar disability for sea duty have been, and are now, retained on the active list, in accordance with the above-mentioned sections of the Revised Statutes; and

Whereas the said Edward Everett Hayden has been, since his retirement, engaged in scientific study and work of value to and under the direction of the Navy Department, including service during the war with Spain, when he volunteered for active duty and served creditably and longer than any other retired officer of the Navy; Therefore, that justice may be done the said Edward Everett Hayden and that the Navy Department may be enabled to command his services during peace as well as war, in accordance with the above-mentioned sections of the Revised Statutes.

Be it enacted, etc., That the provisions of law regulating appointments in the Navy by promotion in the line and limiting the number of lieutenants to be appointed in the United States naval service are hereby suspended for the purpose of this act only, and only so far as they affect Edward Everett Hayden; and the President of the United States is hereby authorized, in the exercise of his discretion and judgment, to nominate and, by and with the advice and consent of the Senate, to appoint said Edward Everett Hayden, now an ensign on the retired list of the Navy of the United States, to the grade and rank of lieutenant on the active list of the Navy, as of the date of May 1, 1895, and to place his name in the Register of the Navy next after that of his classmate John Hood: *Provided*, That the said Hayden shall establish to the satisfaction of the Secretary of the Navy, upon examination by a board of officers convened pursuant to the provisions of section 1496 of the Revised Statutes, his mental, moral, and professional fitness to perform the shore duties of a lieutenant, and before a medical board, pursuant to the provisions of sections 1493 and 1494 of said statutes, that his existing physical disqualification was occasioned by wounds received in the line of his duty, and that such wounds do not incapacitate him for duties other than sea duty in the grade of lieutenant: *And provided further*, That he shall receive no pay or emoluments by reason of such reappointment to the active list of the Navy except from the date of such reappointment, and that he shall be additional to the number of officers prescribed by law for the grade of lieutenant in the Navy, and in any grade to which he may hereafter be advanced.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MEYER of Louisiana, a motion to reconsider the vote by which the bill was passed was laid on the table.

BEACON LIGHT ON HAMBROOK BAR, CHOPTANK RIVER, MARYLAND.

Mr. KERR of Maryland. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 13399) for the establishment of a beacon light on Hambrook Bar, Choptank River, Maryland, and for other purposes.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to have established a beacon light on Hambrook Bar, Choptank River, Maryland, and beacon range lights to guide into the harbor of Cambridge, Md., at a cost not to exceed \$10,000.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. KERR of Maryland, a motion to reconsider the vote by which the bill passed was laid on the table.

BRIDGE ACROSS MISSISSIPPI RIVER AT OR NEAR CAPE GIRARDEAU.

Mr. VANDIVER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 10846) to authorize the construction of a bridge across the Mississippi River at or near Cape Girardeau, Missouri.

The Clerk proceeded to read the bill.

Mr. VANDIVER. To save time, I ask that the reading of the bill be dispensed with.

The SPEAKER. This is a bridge bill, and the gentleman asks unanimous consent to dispense with the further reading of the bill. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. VANDIVER, a motion to reconsider the vote by which the bill was passed was laid on the table.

EDWARD B. HOWARD.

Mr. STEELE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3135) to correct the military record of Lieut. Edward B. Howard.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the bill which the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to amend the military record of Lieut. Edward B. Howard, Company G, Fourteenth New Hampshire Volunteers, and grant him an honorable discharge.

With the following amendment, recommended by the Committee on Military Affairs:

Add at the end of the bill the following:

"Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEELE, a motion to reconsider the last vote was laid on the table.

RIVERS AND HARBORS.

Mr. BURTON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 13189, the river and harbor bill.

The motion was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HOPKINS in the chair.

The CHAIRMAN. The Committee of the Whole House on the state of the Union is now in session pursuant to the direction of the House, and the Clerk will report the bill.

The Clerk read the title to the bill, as follows:

A bill making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. CATCHINGS. Mr. Chairman, if I did not feel that a public duty rested upon me to do so, I should not trespass upon the time of the committee this morning, for I am extremely unwell; but in view of the very ferocious and savage attack which was made by my good and honored friend from Iowa [Mr. HEPBURN], in accordance with his usual custom, upon that feature of the pending bill in which my constituents are most deeply concerned, I do not feel that I ought to remain silent.

I listened, Mr. Chairman, with great admiration to the performance of my friend. I admired his superb diction, his attractive delivery, his great intellectual activity, and his commanding presence, and in this I think I reflect the sentiments of all who listened to him. It has always been a pleasure to me to hear him speak. I have always acquired from him a great deal of information, and at times, Mr. Chairman, a vast amount of misinformation. [Laughter.]

I have listened to him also with great regret; a regret that his splendid abilities were mercilessly turned against what I regard as the most important and beneficent feature of this bill. I have always cherished the hope that at some time before I retired from Congress I would enjoy the pleasure of seeing his magnificent powers enlisted in behalf of this cause which I have so much at heart. His speech on the day before yesterday warned me, however, that that hope, which I have so long hugged to my breast, must take its place in the limbo of the wreckage of other disappointments which have come to me in my life.

I regret that I have not had the opportunity to read in print what he said in that speech, for I was much disturbed while he was addressing the committee, and therefore fear that I did not catch all of his observations. But it will be my effort, in part at least, to clear away some of the mist and vapor with which he surrounded his topic.

In the first place, I wish to correct his statement that all commerce on the Mississippi River has practically disappeared. As against that I will place the statement which was recently made to me by a friend of mine, an honorable and upright gentleman, and particularly informed as to all matters pertaining to the navigation and commerce upon that river. That statement was to the effect that never at any time in its history has so large and valuable a commerce floated upon the bosom of that mighty stream. The character of the commerce has changed, and because its character changed my good and honored friend has fallen into the delusion that the commerce itself has substantially disappeared. There was a time when there were no railroads, Mr. Chairman, penetrating that valley, either from the North or the South, the East or the West. And in those days the great through traffic

from the West necessarily found its way to the southern communities along that river by means of steamboats.

Unquestionably since the advent of these railroads there has been a great falling off in this through commerce. But the cities and towns in that valley have become so greatly augmented in importance, there are so many more people dwelling within its limits, there are so many more commercial communities there engaged in business that even with this through commerce considerably eliminated there remains a quantity vaster and more valuable than in the early days, when the large and costly steamboats made so conspicuous and ostentatious a display.

But the great through traffic that comes down the railways which penetrate the valley along the sides of this noble stream is discharged at points of distribution such as Cairo, Memphis, Greenville, Vicksburg, Baton Rouge, New Orleans, and numerous other ports, and from them it is distributed to the dwellers of the valley, and that distribution takes place by local steamers which constantly arrive and depart. So the change is merely in the character of the commerce, and not in the aggregate amount of it.

Undoubtedly but for the construction of these railways the traffic upon the river would be greater still, for it would then have comprised not only this distribution from local points which I have described, but also the through traffic which now goes by rail.

I believe I have said enough on this point. I will, however, add that if my friend be correct—if the value of that stream as a commercial artery has entirely or substantially ceased to exist—the business men of the city of St. Louis, which lies at the head of navigation of the lower river, are greatly in error. I hold in my hand a memorial to the Congress of the United States, which is signed by every business association in that city, asking and pleading that liberal and extensive appropriations be made in order that they may better utilize this stream in conducting its commerce.

Before discussing questions relating to the work upon the river I will take up another error into which my good friend has fallen. In his great desire to find something upon which to launch his criticism and invective he made reference to the improvement which is in contemplation at the Southwest Pass of the Mississippi River, which pertains to and properly constitutes part of the harbor of the city of New Orleans. He stated that when the work of improving the South Pass began, in 1875, it was founded upon what he designates as the principle of contraction, by which he meant such concentration of the water that it would scour out a channel sufficient to enable vessels to enter and depart. He avers that in the improvement of the great Southwest Pass, for which this bill provides, the principle of contraction has been abandoned and that of diffusion, as he calls it, substituted.

Mr. Chairman, my friend was mistaken in both statements. The principle of concentration was applied, it is true, to a considerable degree in the construction of what are known as the Eads jetties, which began in 1875. The Mississippi River makes its exit to the Gulf through three mouths. The center one is called the South Pass; the one to the east is called the Southeast Pass, and the one to the west is called the Southwest Pass. About 93 per cent of all the water of the Mississippi River goes out, and substantially that quantity has always gone out, through the Southwest and the Southeast passes. There does not go to-day through the South Pass, according to the testimony, more than 7 per cent of the total volume of the Mississippi River. That pass at no time has carried more than 10 or 11 per cent.

Thus it will be seen that my good friend is entirely mistaken in his declaration that when the Eads jetties were undertaken the plan was to force all the water of the river to find its exit through a single one of the Passes. If he had given sufficient attention to the physical conditions at the mouth of the river he would have seen how utterly impossible it is to apply, to the extent stated by him, what he calls the principle of concentration. If members of the committee will turn to a map portraying the physical features there existing they will find that the sediment which has been brought down by the river during the centuries has been spread over an extensive area having very much the shape of a fan, and that the three Passes into which the river is there divided work their way through this formation to the Gulf, having banks so narrow that a stone may almost be cast across them. Being composed of extremely friable soil, these banks are so fragile that if there were any extensive concentration of water between them they would be rent asunder and wholly destroyed. If the banks of these Passes were firm and stable, there would be no substantial difficulty, by suitable concentration works, in securing any depth desired through the bar at the mouth of the river.

When Mr. Eads proposed his enterprise to the Congress of the United States he was compelled, against his wishes, to take the South Pass, which is the most inferior of the three, upon which to make his experiment. It proved to be extremely difficult by concentration works to secure just the quantity of water needed to scour out the Pass to the required dimensions, and the channel has been maintained by means of dredging in connection with

the jetties, which has been carried on with more or less constancy. It is largely through dredging operations that we expect to secure and maintain a 35-foot channel through the magnificent Southwest Pass.

And the money which the Government proposes to expend for that purpose will be returned many fold. I had in my possession, but unfortunately have mislaid it, a clipping which I took a few days since from the New York Tribune, giving figures as to the commerce now passing through the mouth of the river. Those figures absolutely startled me. The statement was that last year one hundred and forty-five millions of exports went out from the city of New Orleans, and that her imports had also largely increased, thus showing that New Orleans is treading fast upon the heels of Boston as the second commercial port in the United States. New Orleans to-day is, and for many years has been, the second city so far as exports are concerned. And this one hundred and forty-five millions, Mr. Chairman, was made up largely from the contributions of the people of the great valley in whose behalf I propose to speak to-day. They are not mendicants; they are not paupers; they are enterprising, substantial, brave, and courageous people, who are contributing their full share to swell the magnificent industries and commerce of this country.

Mr. Chairman, there has never been so much misrepresentation, so much misunderstanding, so much perversion and distortion of the truth regarding anything on this earth as is invariably manifested whenever there comes to be a discussion of the improvement of the Lower Mississippi River. My good friend [Mr. HEPBURN], in the course of his speech the other day, made the statement that while only about fifteen or sixteen million dollars had been actually expended by the Government for levee construction, yet that the balance of the appropriations which have been made for the improvement of the lower river, something like twenty-five millions, must also be charged up to levee construction. He reached this conclusion by the disingenuous assertion that there was never any real purpose to improve the river, and that but for the pressure for aid in levee construction these twenty-five millions would never have been expended.

A gentleman who makes it his specialty to assault upon all occasions the progress of this great work ought at least to have informed himself of its origin. I say to him now and to members of the committee here that this great enterprise was not inaugurated at the instance of those who are concerned in cultivating the plantations in the Mississippi Valley. It did not have its genesis in any aspiration or desire upon their part to have the Government construct the levees necessary to protect them from the tremendous floods which annually work their way down to the Gulf. It came, I might almost say, as the legitimate offspring of the great success which had come to Mr. Eads in the splendid works constructed by him at the mouth of the river. As if by magic, the idea seemed at once to permeate the atmosphere that by the principle of concentration this great river could be improved, that the sand bars could be cut away, and that a channel might be opened sufficient, as some enthusiasts said, to allow even ocean-going vessels to ascend to the city of St. Louis.

And so, in the midst of the enthusiasm resulting from the success of Captain Eads's great work, the Mississippi River Commission was created. It came at the behest and urgency of the citizens of the great cities of St. Louis and New Orleans. It had its genesis, I repeat, solely, absolutely, and entirely in the belief and expectations of those great cities that the river might thus be so treated that it could be utilized to its greatest and fullest extent.

Now, Mr. Chairman, there naturally came about, as one of the features of that improvement, because of the impulse which caused its inauguration, the notion that the floods should be confined so as to effect the desired concentration of the water. It was believed by many of our able engineers that the confinement of the floods by means of levees would aid in scouring the channel and clearing the path for the vehicles of commerce.

Mr. MONDELL. Mr. Chairman, will the gentleman allow an interruption?

Mr. CATCHINGS. Certainly.

Mr. MONDELL. Is it not a fact that the people of riparian States along the Mississippi expended a very great deal of money in levee construction before the Mississippi River Commission began its operations?

Mr. CATCHINGS. Yes; it is a fact. I am coming to that presently.

Mr. MONDELL. Is it not also a fact that the riparian States have expended something like \$20,000,000 in levee construction in the last twenty years?

Mr. CATCHINGS. Well, yes, it is true. They have expended very much more than that altogether.

Mr. MONDELL. Will the gentleman allow me another question?

Mr. CATCHINGS. Yes.

Mr. MONDELL. Is it the opinion of the gentleman that the

levees do, as a matter of fact, aid the navigation of the Mississippi River?

Mr. CATCHINGS. I will come to that presently. I am going to discuss all features of the work before I finish.

Now, Mr. Chairman, when this work began it was the belief of those who constituted the Mississippi River Commission, and Captain Eads himself in those days was a member, that this great work might be accomplished for a sum far less than experience has shown to be necessary. Some engineers believed that confinement of the floods would so deepen the river that in time levees of comparatively insignificant dimensions would suffice to prevent overflows. In 1882, three years after the creation of the commission, it made its first contribution to levee building. Nobody at that time knew, and nobody could tell, to what extent the flood line would be elevated by the confinement of the floods which had theretofore roamed largely at will over the greater part of the valley. Those who have been engaged in the work have had much to learn, for at the beginning there was no lamp of experience to guide them. No work comparable to it either in character or magnitude had been anywhere prosecuted. And so it is not to be wondered at that distinguished engineers may in some details have been at fault in their early prognostications.

As participation by the Government in levee building progressed it became necessary as a matter of course that the people themselves should make greater and greater expenditures. It is the fact that since levee building began the people of the lower valley have expended something like \$34,000,000 of their own means, as against about \$16,000,000 expended by the Government. So it will be seen by gentlemen of the committee that they have done their full duty. It is also true that, to meet the higher flood level which was caused by the operations of the Government in given localities, some districts have been obliged to strain their resources to the utmost.

The whole valley of the Mississippi was built up by sediment brought down and deposited by the river itself. Away back in the countless ages of the past the Mississippi River broke through the foothills of the Ozark Mountains, which cross it a few miles above Commerce, which is not a great distance above the city of Cairo.

It is believed that at that time there was an arm of the sea extending to that point and that the Mississippi in tumbling into the sea formed a waterfall something like 500 feet in height. As the detritus from the Mississippi and the Ohio rivers and the Arkansas and the St. Francis and others which also emptied into this arm of the sea, I say as the detritus from all these great streams came pouring in there gradually began the formation of what we know to-day as the alluvial plains of the Mississippi delta. The ocean was gradually pushed back farther and farther by this huge mass of sediment until finally we have it as it is to-day. The result of this process is that the Mississippi River, as is true, indeed, of all great alluvial streams, flows through a bed of its own creation. Its banks and its bed are constituted of the same soil which you find throughout the whole valley.

The banks of the Mississippi, like those of all silt-bearing streams which are overtopped by floods, are always higher than the lands farther back. This comes from the very simple proposition that when such rivers get in flood, with the water overflowing their banks, whereby a lateral current is created, the heaviest portions of the sediment being transported are dropped first, the lighter particles next, and so on, so that some distance back the water is practically denuded of its sediment. Take the Mississippi River, for instance, as an illustration. The land slopes back some 5 or 6 feet to the mile. The same condition prevails in greater or less degree as to all the interior streams. The early settlers sought the high lands on the banks of the Mississippi River and of the interior streams, and in those days I think I may safely affirm it had not entered the mind of any man that within this or the next or the next or the next generation any serious attempt would be made to occupy and cultivate the low back lands of the valley. It was then a comparatively easy matter for the settlers to substantially protect themselves from overflow.

It was quite sufficient to construct an inexpensive and small levee along the high bank and then a cross levee going back to the lowlands. That was the whole of it. The remainder of the great valley, containing 32,000 square miles, in times of flood was a vast reservoir filled up with water. Not being confined, the water did not rise to so great a height, and so they were safe and protected. If it had not been for the existence of slavery it may well be doubted whether for many generations any extensive occupancy, even of the high lands I have described, would have been attempted. But having full command of the labor of their slaves, and attracted by the extraordinary fertility of the soil, the planters gradually entered the valley and settled upon the high lands bordering upon the Mississippi River and upon the interior streams. By using their slave labor at times when it could be spared they threw up the small embankments described, which were measurably sufficient for their protection. As the population increased

the levee line was correspondingly lengthened, and as the water was thus more and more confined the flood level was gradually heightened and levees were made higher and stronger. It thus became necessary to organize levee districts to do the work. Thus it went on until 1882, when the Government made its first contribution.

There was then a very considerable system of levees, but nothing to be compared with what we have to-day, either in height or in width or in costliness. While ineffective against great floods they nevertheless sufficed, under conditions then prevailing, to afford considerable protection to those who dwelt behind them. So I say to you now, what seems not to be generally understood, that the settlement of the low back lands which were formerly regarded as worthless, is entirely because of the enormous impetus given to levee building because of the contributions which have come from the Federal Treasury. Prior to the interposition of the Government the planters, burdensome and hazardous as their condition was, had accepted it as inevitable, and were doing the best they could through their levee organizations. The river commission was not created at their instance, but through the commercial influences of the great cities of New Orleans and St. Louis. But when the Government began its experiments in levee building it became necessary that these levee districts should actively cooperate in building the levees higher and stronger, and this cooperation was heartily rendered, for the hope thus came to them that full and complete safety might thereby be secured. From that time the work has gone on and on, and in the doing of it the citizens have imposed taxes upon themselves, never, I believe, elsewhere equaled.

My friend from Iowa, who must be familiar with all that I have stated, should not have been so ungenerous as to demand that the people who are interested in the problems of flood protection should be held responsible for the twenty-five millions, of which not a dollar has been received by them.

Not more, I believe, than one-third of the Mississippi Valley, taken as an entirety, is now being cultivated; yet the splendid exports of the city of New Orleans, to which I have alluded, afford an ample test of its magnificent productivity. I believe the Mississippi Valley is capable of producing more cotton than the American people now consume. I believe it is capable of producing the major portion of the sugar needed by them. I believe it is capable of producing as much rice as they consume. I believe that its supplies of hardwood are such as would meet their wants for generations. It is thus easy to foresee the vast profit which will come to them from its full and complete development and protection.

Mr. Chairman, as this work has progressed sundry theories have been exploited which have tended to confuse the public mind, and greatly obstruct and embarrass the efforts of those who have befriended it.

For instance I invite attention to the notorious plan for avoiding floods by affording near its mouth an additional outlet for the waters of the river.

To one who has given no thought to the hydraulics of silt-bearing streams the plan seems simple and has therefore had some adherents. Its chief feature was the digging a canal somewhere near the city of New Orleans so as to divert a large part of the water into Lake Borgne, and thence by a shorter route to the Gulf of Mexico. It is said that it would immediately lower the flood line all the way up the river to Cairo, and that there never could be an overflow again.

The contention has been disapproved by every engineer who has ever investigated it; the absolute and obtuse fallacy of the proposition has been time and time again demonstrated; yet, like the fisherman's cork, it is forever bobbing up. It must not be forgotten that at one time the Mississippi had this very connection with the Gulf through Lake Borgne which it is proposed to give it, because formerly the waters of the Gulf covered the whole valley. By perfectly natural and easily understood processes the river severed this connection of its own volition, and built up its bank so as to shut off all communication with Lake Borgne. If the proposed canal should be now dug, the same processes would fill it up, and in a few years the Mississippi waters would all pursue their present course to the sea. If, however, such an outlet could be permanently maintained, there would simply be two rivers where now there is but one, and the two together would not be so effective as the one now is. This is because of the well-established law of silt-bearing streams which flow through a bed of their own making, that they can only make or maintain a bed commensurate with their volume.

If there should be permanently withdrawn from the Mississippi River one-half of its volume, but a few years would elapse before its bed would be diminished one-half. If its volume could be permanently increased, there would soon be a corresponding increase in the size of its bed. If, therefore, a permanent outlet should be established, the bed of the river below it would become smaller and smaller, until it was only sufficient for the diminished

volume flowing through it. When this had come about the smaller bed thus created below the outlet would no more be able to carry off the excess of water which would seek it in times of flood than the whole river is now able to accommodate the excess of water which pours down it in times of flood. The consequence would be that overflows would come as frequently as before the outlet was made. Moreover, actual experience has shown that such an outlet would have no appreciable value in lowering the flood level above it. In 1890 a crevasse occurred at Nita, a short distance above New Orleans, which carried off 400,000 cubic feet of water per second, which was about one-third of the whole volume of the river. Yet only 60 miles above it not the slightest effect from it could be observed.

Other theorists insist that the great bends should be cut through and the river straightened, so that the water might go unimpeded to the ocean. Those who champion this plan overlook the fact that the great bars of the river are necessary to its salvation if it is to be used for commercial purposes. They constitute dams which hold back the water, and are absolutely essential to the river if it is to be maintained for commercial uses. If the river could be straightened, these bars would be destroyed, the river would empty itself, and there would be nothing left. The engineering purpose has been not to destroy the bars, but merely to secure through them a sufficient channel through which water craft could pass, leaving the greater part of them intact to perform their proper function of damming the water and holding it back.

Those who advocate this method ought also to keep in mind the history of this river and the laws that govern its currents, which will persist, in spite of the efforts of man to change them. When a great bend 15 or 20 miles around is suddenly cut through at its base, the slope through the cut is so extreme that the water rushes through with prodigious force. It immediately undertakes to recover its natural and gentler slope. It can only do this by regaining the length lost by the cut through the bend, and to do this it must attack its banks, and by tearing them down prolong the bends above and below. Thus tremendous caving is precipitated by such a cut-off, which goes on until the river has regained its natural slope, and this can not be until it has recovered its lost length. From all this it results that not many years elapse after such a cut-off has been made before the river is as long as ever, and again sweeping on in majestic curves. Mark Twain, in his most interesting book describing life on the Mississippi in the early days, gives the cut-offs made from time to time between New Orleans and St. Louis, and the apparent shortening of the river thereby, and shows that if the river was really curtailed in length the city of New Orleans was brought so close to St. Louis as almost to be one of its suburbs. As a matter of fact, notwithstanding the many cut-offs of the past, the river measures as many miles to-day as it ever did.

Then, Mr. Chairman, we have had the reservoir plan, and it is perfectly astonishing how that has lingered in the minds of men. The idea of constructing reservoirs sufficient to hold back the gigantic floods that sweep to the ocean! In 1897 there passed the city of Cairo, which is at the junction of the Ohio and the Mississippi rivers, the almost incredible quantity of 1,500,000 cubic feet of water per second. Can you conceive of reservoirs which would hold back that or any material part of it? But that is not all. The floods which bring destruction to the dwellers of the lower valley do not come from the head waters of the Missouri. They do not come from the head waters of the Mississippi. This has been demonstrated over and over again. In 1897 by actual measurement 76 per cent of the 1,500,000 cubic feet of water which flowed by the city of Cairo came out of the Ohio River alone. That is the source of the floods which give so much trouble and bring so much destruction and devastation.

The floods that come out of the Missouri River have no appreciable effect on the flood situation of the lower valley; they come at a time when the danger of overflow has gone. They usually appear in May or June, when what is regarded as the overflow season is over. So it is with the flood waters of the Upper Mississippi. They have no effect except at times to prolong somewhat the flood condition produced by the waters of the Ohio.

I have in my hand a page taken from a paper called the National Advocate, which is headed "Heavy Government appropriations," which I will read:

Millions and millions of dollars have been appropriated by the Federal Government for the building of these levees and other constructions intended to protect the surrounding country from floods, and millions more must be appropriated by every Congress to come unless other steps are taken to prevent these floods. These measures of the Government are merely palliative; they do not go to the root of the evil. The report of Capt. Hiram Chittenden, of the Government Engineer Corps, however, shows that there is a way to strike at the trouble itself and largely prevent the floods instead of trying to inclose them between banks after they have become such.

He shows in his official reports that by the building of a series of great storage reservoirs at the head waters of the Missouri floods can be prevented through the diverting of the excess of waters into these artificial lakes. Surely this is something for Congress to give its attention to. Here is a practical plan. An ounce of prevention is worth a pound of cure. Congress will go ahead

appropriating millions every session for flood prevention without a question, but it will not appropriate the same amount for a plan which, according to the Government's own engineers, promises far greater results. Of course the damming of these natural reservoir sites would mean the reclamation of large tracts of land to irrigation, but this need not worry Congress, even its Eastern members, for the Eastern merchants are already alive to the situation and realize that the reclamation of the arid West would open to them the finest market in the world.

I will take occasion to say that I do not believe that Captain Chittenden ever made such a statement. I do not believe that Captain Chittenden or any other student of the subject, has ever stated, or ever will state, that the people of the Mississippi Valley would be protected from overflows if the Missouri River could be literally blotted from the map, much less if its head waters should be stored.

Mr. MONDELL. Will the gentleman from Mississippi allow an interruption?

Mr. CATCHINGS. Certainly.

Mr. MONDELL. I asked the gentleman a moment ago if, in his opinion, the levees were a permanent aid to navigation.

Mr. CATCHINGS. I am coming to that question; I am not going to evade it.

Mr. MONDELL. Will the gentleman allow a further question?

Mr. CATCHINGS. Yes.

Mr. MONDELL. Does the gentleman consider the construction of the levees as a permanent protection against floods? As a matter of fact, as the levees are built higher and higher, does not the building of them necessitate the further raising of them?

Mr. CATCHINGS. I suppose I might as well come to that now. I assure my friend that it had been my purpose to discuss all these questions.

Mr. MONDELL. I do not wish to hurry the gentleman.

Mr. CATCHINGS. That leads me to take up another proposition, which has also flown all over the continent and found lodgment, I may say, to some extent everywhere; that is, that the construction of levees has had the effect of raising the bed of the Mississippi River. The contention is that as levees are built the bed of the river rises, and that as the same quantity of water must pass through the channel in order to accommodate it and prevent floods, the levees must be made higher and higher. Do I correctly interpret the thought of my good friend?

Mr. MONDELL. You do.

Mr. CATCHINGS. This proposition has been investigated, examined, and reported upon many times. The Mississippi River Commission is composed of very distinguished and eminent men, all of whom, I am happy to believe, are my personal friends. The president is Gen. George L. Gillespie. Another member is Col. Amos Stickney; another, Maj. Thomas H. Handbury. These three are among the most accomplished engineers of the Army. Mr. H. L. Marinden, of the Coast and Geodetic Survey, is another member. Maj. B. M. Harrod, of New Orleans, who ranks among the eminent engineers of the country, is another. Still another is Mr. J. A. Ockerson, of St. Louis, who has been connected with the work of the commission since its organization, and has recently been appointed to it. His professional ability is universally admitted. Last, but by no means least, there is Hon. R. S. Taylor, of Indiana, one of the ablest men I ever met, and who, in my judgment, is of the very salt of the earth.

These gentlemen have made the most elaborate inquiry. They have had cross-section measurements made of all parts of the river, and have recently testified that there is not the slightest evidence that levee building has produced a raising of the river beds. Professional opinion is that the levees produce a contrary effect. For instance, one of the members of the commission, in February, 1898, made this statement to the subcommittee of the Senate Committee on Commerce which was appointed to investigate the works upon the river:

If you complete your levee system so as to confine your flood discharge to the channel you get a more effective agency in the work of scour. The river at its flood makes a bigger path for itself than it would if it were not restrained. A considerable deposit of sediment in the river is avoided, and the channel keeps larger and keeps open better.

Again he stated:

The plan of the commission originally reported to Congress contemplated the restraint of the floods as one of the means for improving the channel for navigation. It was considered that as the Mississippi River makes its own channel and must always continue to make it, and as it makes it by the sole agency of scour, it would do that work most effectively by being concentrated in the highest possible degree. The power of the river to scour its channel increases with its velocity, and it was considered to be as necessary for the final improvement of the channel to control the high-water discharge as to control the low-water discharge; and this, it was thought, could be done in no other way than by the extension of the levee system.

He further said:

Through all the changes of its membership it was always the judgment of a majority of its members that the restraint of the floods was essential to a complete improvement of the channel for navigation.

Mr. MONDELL. Will the gentleman allow me a moment?

Mr. CATCHINGS. Certainly.

Mr. MONDELL. A moment ago the gentleman referred to the fact that the construction of the levees by the Government had necessitated further and increased construction by the riparian

States, and I understood him to say that this was necessitated by the increases in the flood height—

Mr. CATCHINGS. That is true—certainly.

Mr. MONDELL. The increase of the flood height brought about by the construction of Government levees.

Mr. CATCHINGS. Yes, sir; together with construction by the people in cooperation with the Government.

Mr. MONDELL. Was not that an admission on the part of the gentleman that the levees, as a matter of fact, have raised the flood height; and inasmuch as the levees confine the stream instead of allowing it to spread over the country, depositing its silt as it spreads, what becomes of the silt that the river carries and must necessarily deposit if it is not deposited in the narrowed channel?

Mr. CATCHINGS. My friend must understand that there is a great difference between what is called the flood level and the low-water level. Of course if you confine the water and prevent its spreading over the great valley you increase the flood level—the height to which the water rises. But the low-water level remains exactly the same. There is an increase of the flood level without any rising whatever of the bed of the river.

Now, the gentleman asks what becomes of the sediment. Let me state to my friend that the disposal by the river of its detritus is one of the wonders of the world. When these times of great overflow come and there are no levees to confine the floods, they loiter and linger and saunter along like a lazy man, so that a wave-crest will take weeks to pass from Cairo to the Gulf; whereas it will go down in ten days if the spur is put to it and it is compelled to travel through a decent and civilized path created by confining the waters.

My friend also knows it to be a principle of hydraulics that the capacity of a stream to support and carry sediment depends entirely upon its velocity. When its velocity is increased, its ability to transport its sediment is also increased. When, therefore, the floods are confined, they take off tons and tons of sediment which they would drop if not confined.

As to the amount of sediment which the river carries, let me make a statement—and this is one of the great difficulties with which we have to contend—for I do not propose to do now what I have never done here before. I do not propose to withhold anything bearing legitimately upon the discussion of this question. I believe my friend from Iowa [Mr. HEPBURN] will do me the credit of saying that I have always endeavored as best I could to discuss every suggestion or proposition, whether adverse or not, which could be advanced in connection with this subject. I shrink from nothing. Because it is my duty to do so, I am ready to meet in debate all who may take part in it, though knowing that at all times I run a serious risk of being unhorsed.

Mr. HEPBURN. The gentleman will allow me to say that the first departure of the gentleman from his almost universal rule I have noticed this morning. In his argument in opposition to the statement I made that concentration was the rule first adopted in the treatment of this river he has said nothing of the rectification of the banks in the interest of concentration. I ask the gentleman whether, as a matter of fact, the plan of the commission did not propose a uniform width of 4,000 feet for the river, and whether they did not spend many millions of dollars in the construction of a false bank for the purpose of concentrating the waters in conjunction with the levees that were being built?

Mr. CATCHINGS. I will answer my good friend by saying that my criticism of what he had said related to his remarks concerning the improvement which was made by Captain Eads at the South Pass of the Mississippi River. I understood my friend to say that the policy was then to close the other mouths of the river and force all the water to go through the South Pass. I undertook to tell him that. As a matter of fact no such effort was ever made; nor was it ever expected that by any construction that might be made more than 10 per cent of the volume of the river would be compelled to go through the South Pass. I endeavored to show him that it was impossible to force a larger volume through that mouth without destroying the works themselves.

It is true, as my friend has suggested, that in the early days of this work there was an effort torevet the banks of the Mississippi River; but this revetment was no part of a concentration policy. Its object was to prevent the enormous caving constantly occurring, thus increasing the sediment which the river must transport, and which when dropped occasions the great bars which make so much trouble to navigation. The idea of the commission was that if the banks could be held in place by revetment and the river by that means compelled at all stages to travel over the same path, under the principle that in time water will wear away a rock, the river would be forced to scour out and lower its bed. That was the whole policy of the revetment system, which was quite largely entered into at the inception of this work. And it is true to-day as an engineering proposition, it is absolutely correct, and I have no criticism whatever to pass upon the Mississippi River Commission in this respect.

I say now that their engineering theory was absolutely sound; that if the banks of that river could be made permanent, and by that means it could be compelled from one end of the year to the other to travel over precisely the same path, there would be a wearing away of the bottom which would eventually so lower it as largely to dispense with the necessity for levees and make overflows practically impossible.

They have computed that $9\frac{1}{2}$ acres, 66 feet deep, for every mile of the Mississippi River are annually destroyed by caving between Cairo and Donaldsonville. Under another method of computation that amounts to 10 square miles, 86 feet deep, each year. Such is the load which the river has to pack. It was hoped by revetting the banks and preventing this enormous caving the river could be relieved of this prodigious burden, which fatigues even that giant stream and sometimes causes it to lay its load down in despair. That was the purpose of the revetment work.

Associated with it was the purpose to narrow the river where its width is excessive to about 3,000 feet, which is regarded as its natural width. That was to be done not by revetment, but by contraction works, known as "permeable dams," which, while admitting the passage of the water, yet sufficiently checked its velocity to compel it to drop its sediment and thus build up new or artificial banks. These contraction works were entirely successful in this respect, but, unfortunately, when the river was thus taken by the throat and held up, so to speak, by these protection works on one side, it immediately avenged itself by tearing down its banks on the opposite side. It thus became necessary torevet the opposite bank in order to maintain the conditions established by the contraction works. But it became manifest after some years of experiment that this class of work was too costly, that the Government could not afford to do it, and that even if it could it was not likely to do it. I believe the estimate was that it would cost something like \$124,000,000 to effect this kind of bank protection as far down as the mouth of the Red River. I may be in error as to the amount, but it was something enormous. What I am now discussing is the system of permanent improvement originally entered upon.

Now, the commission have abandoned that, not because from an engineering standpoint it was in the least degree incorrect, but because of its great costliness. Moreover, commerce, which was crying out loudly for relief, was not content in any view of the question to await the inevitably slow progress of this permanent improvement. Therefore revetment as a principal feature of the work has been discarded. It is now employed to a limited extent for the purpose of protecting commercial centers, such as New Orleans, Memphis, Greenville, Natchez, Helena, and other similar places where it is essential that there should be some permanency; and to prevent the making of cut-offs, which, as I have hitherto explained, work so much destruction both above and below them; and to protect important levees, as, for instance, at Lake Bolivar, Lake Providence, and Kempe Landing, which if destroyed by caving could only be replaced at enormous cost. At such points it is manifest wisdom to preserve existing levees by revetment.

With these exceptions it may be fairly said that revetment no longer constitute a part of the ordinary plans of the Mississippi River Commission. For the purpose of annually giving temporary relief to low-water navigation they now make extensive use of hydraulic dredges. These hydraulic dredges are one of the marvels of the century, and the Mississippi River Commission to a very great extent have been pioneers in their construction and operation upon a comprehensive and extended scale. Every dollar which the Government has expended in connection with their whole work would have been well spent if they had done nothing more than demonstrate by their experiments the marvelous capability of the hydraulic dredge.

They sent the drawings and designs of some of their dredges to the Paris Exposition, which took the gold premium, or whatever the first premium was called. There they were examined and studied by professional men from everywhere. Mr. Lynden Bates, who constructed their first great hydraulic dredge, has recently built one for the Russian Government for use on the river Volga, which is the largest in the world and has the capacity to remove something like 5,000 cubic yards per hour. These dredges are used in the low-water season for the purpose of cutting out a channel through the bars. The work is temporary, of course. These channels are destroyed when the high water comes, when they are filled up with silt, but they are easily renewed; so that the expense which, as I say, hitherto attended this work will very largely decrease. The revetment work having been largely abandoned, the contraction work being used now to a very limited extent, and there being nothing except the maintenance of the levee system for the control of floods, the construction and operation of hydraulic dredges to ameliorate conditions in times of low water, and the protection of a limited number of localities, the ultimate cost of the work of improvement will be greatly less than originally estimated.

Mr. Chairman, the work of levee building has not been done in the dark. My friend from Iowa [Mr. HEPBURN], who always assails this project, will persist in overlooking the very language of the law under which the work is progressing. He will insist and persist from morning until noon, from noon till night, and I suppose he insists and persists in his dreams, so that it is the first thing that enters that active and marvelous brain of his when he arises in the morning that there is no necessity for improvement of the navigation of the river in times of flood, because there is ample water. Now, the very language of the law requires that the Mississippi River Commission shall prepare and prescribe such plans as shall best improve the navigation and promote the interests of commerce at all stages of the river. My friend shuts his eyes when he comes to those words and always endeavors to confine the debate to the narrow point of the capacity of the river in times of flood to float a steamboat.

Well, now, Mr. Chairman, does it not promote the interests of commerce to construct these levees and preserve that magnificent domain from the floods, and is the benefit thereby conferred merely local? While those who own the plantations in the Mississippi Valley are primarily benefited by this levee construction, ultimately many others are benefited as well. Proverbially, like all planters, they save no great sum over and above their ordinary necessities and comforts, and in my district the people, God bless them, are generous and free-hearted, and what they earn is not put away in a miser's hoard, but speedily finds its way into the marts of commerce. There is not a city in this country, from Boston to the Gulf or to San Francisco, which does not find many of its most valuable purchasers in this great valley. The cities of Cairo, Memphis, Vicksburg, Helena, Greenville, Natchez, Baton Rouge, and the great cities of St. Louis and New Orleans are all extensively engaged in traffic with its inhabitants.

These inhabitants produce little else than raw material. What they produce and sell constitutes a very large part of the exports of this country and helps to maintain the balance of trade. They make cotton and sugar and rice for sale, and practically nothing else. Their storehouses are kept in the West. They buy their mules and horses from those who raise them in the great Western States, their harness, plows, wagons, gin stands, and farming implements generally, their clothing, and all that they wear and consume. All of these things, for which they pay millions of dollars, they buy from the great cities all over this country.

Mr. Chairman, is it not a fact that every man who finds for what he has to sell a purchaser in the Mississippi Valley is interested in its protection?

Mr. RIDGELY. Will the gentleman permit a question?

Mr. CATCHINGS. Yes; certainly.

Mr. RIDGELY. Are not these arguments of yours and these facts, in which I agree with the gentleman, equally applicable to the people of the Missouri River Valley or any other stream whose inhabitants must be protected from overflows and destruction of their property? If that is a proper matter for public appropriation, would it not apply to the people similarly situated upon any stream?

Mr. CATCHINGS. I do not wish to discuss the Missouri River question, but assuming what I believe to be the case, that the gentleman has in mind the protection of property on that river from caving, I will say that the people in the Mississippi Valley have never asked or expected the Government to expend one dollar of money for the purpose of preventing their plantations and property from caving into the river. Caving goes on constantly at the enormous rate which I have hitherto described, but it has not occurred to the people of that valley, and I think it never will occur to them, that the Government ought to take money out of its Treasury and revet its banks for the purpose of keeping their plantations from caving in.

Mr. RUCKER. May I ask the gentleman a question?

Mr. CATCHINGS. Yes, sir.

Mr. RUCKER. Have not the riparian owners on the Missouri River as much right to have their property prevented from caving by protecting its banks as the people on the Mississippi to have their property protected from overflow by means of levees?

Mr. CATCHINGS. Mr. Chairman, I have not said that the Government has appropriated money to be used in the construction of levees for the purpose of protecting property from the losses occasioned by overflow. On the contrary, I affirm that the expenditure has been made for the purpose of aiding the navigability of the river, and especially at high-water stages, when otherwise a great portion of the valley would be inundated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTON. Mr. Chairman, I ask unanimous consent that the gentleman from Mississippi may have time in which to conclude his remarks.

Mr. CATCHINGS. I want to say further, Mr. Chairman, in response to the gentleman from Missouri, that I do not want to be put in the attitude of now criticising the plans of my good friends along the Missouri River. There are 32,000 square miles

of fertile lands in the Mississippi Valley subject to inundation. In a period of overflow it is converted into a vast sea 40 to 60 miles wide, and all commerce and traffic with other sections of the country is for the time absolutely terminated. The great coal fleets which come out of the Ohio, bearing millions of tons for consumers, must be held back, because they can not go down in safety, and can find no place in which they can be unloaded, and no persons to whom the coal can be sold.

Every steamboat is tied to the banks, and there is an absolute dearth of business throughout the valley. So that when we protect it from overflow by means of levees we promote the interests of commerce, we help to create and maintain it, and we provide safety and facilities for the vehicles by which it is carried on. That valley is traversed by great railroads engaged in interstate commerce. Hundreds of millions of tons of freight from all parts of the country going to all parts of the country pass through and across it by means of these great interstate railways. When the floods come, this important and necessary traffic is seriously interrupted. Is it not worth while, by affording protection, to encourage the use for the purposes of interstate commerce of this great natural route for railways? The president of the Illinois Central Railroad has stated that his road going down through this valley was interrupted by the floods in 1897 for nearly two months, and that it sustained damages exceeding half a million dollars.

I mention that as but one illustration out of many which I might have hunted up and produced.

So, Mr. Chairman, gentlemen may talk of this work as they please. I say there is no money which this Government has expended, and none that it is likely to expend, which will create and maintain a greater volume of commerce. I say that there is no other purpose for which money can be expended which would bring so much of joy and comfort to such a multitude of our citizens.

The people of my district—and when I speak of them I describe all the dwellers in the valley—are like that splendid body of men we know as the pioneers of the West. They have been accustomed to contend with the great and mighty forces of nature. They are of true heroic mold. They have been ever dauntless and courageous in the presence of the perpetual menace to their welfare and safety. This high courage and resolution, I am proud to say, have descended from father to son. When the Spanish war came upon us, although in my Congressional district there are fewer white men than in any other, and with no idle classes to draw from, nearly five full companies of splendid young men immediately sped to the front. It was not their destiny to participate in combat with the foe; but if it had been so ordered they would have given abundant proof that, in the language of Prince Bismarck, one of the most stupendous figures of modern times, "they fear God and nothing else." It is in behalf of such people, sir, that I make my plea.

Mr. MONDELL. Will the gentleman permit me an interruption?

Mr. CATCHINGS. Certainly.

Mr. MONDELL. I am in full sympathy with the gentleman from Mississippi in this matter. I believe that the building of the levees along the Lower Mississippi by the General Government is entirely proper, even though the construction of the levees protect private property and perform no other service; and I shall vote for the bill when it comes to a vote, partially because it contains this item and because it protects the land of the constituents of the gentleman from Mississippi. But I wish to ask the gentleman if, when an amendment is offered which will perform partly the same service for my constituents which are performed here for his indirectly, when by an amendment we aid navigation and at the same time aid indirectly irrigation, he will not vote with us on that proposition?

Mr. CATCHINGS. If my friend can satisfy me that there are rivers in the arid region which are capable of bearing commerce, and which are likely to bear commerce; that steamboat lines are likely to be established for transporting commerce upon them, I should not object, unquestionably, to furnishing them a supply of water by means of reservoirs. But my friend must not misunderstand me. I want to be frank. If he proposes to secure the storage of water to use for irrigation I could not vote for it, because it would not be germane to this bill.

Mr. MONDELL. The amendment which I propose and which I have in mind is primarily in the interest of navigation, but indirectly it will enable the people of that region to irrigate the arid land.

Mr. CATCHINGS. If my friend could satisfy me of that I have no objection to it; but I should want to carefully consider whether any stream to be used in irrigating arid lands would be capable of bearing commerce.

Mr. Chairman, I have already too long trespassed on the time of the committee, I am sure, but before I take my seat I feel it to be incumbent upon me to take some notice of an attack that was made upon me by a carefully prepared article published on the 6th day of July, 1898, in a newspaper called the Vicksburg Dispatch, by a gentleman who has since been elected my successor.

I take notice of this because my friend from Iowa [Mr. HEBURN] made such use of it in his speech that I can not remain silent. He quoted from it the charge that, because of dereliction of duty on my part, only about \$2,000,000 of the sum appropriated by Congress had at that date been set apart to levee construction in my district since I became a Representative; and the further charge that, because of similar dereliction on my part, certain rivers in my State, which I shall name later on, had been neglected. These charges against me have thus been repeated in the presence of my colleagues here, and have been perpetuated in the CONGRESSIONAL RECORD. No just man can complain if I defend myself in the same presence and likewise perpetuate my defense in the CONGRESSIONAL RECORD.

Before making specific reply, and in order that my defense may be better understood, I desire to invite attention to the fact that all appropriations that have been made for the Lower Mississippi have been granted in general terms and with full latitude to the Mississippi River Commission to disburse and expend them as they might deem best, having in view the purpose of Congress in making them. Some of the money thus placed at their disposal they have expended in constructing revetments and other channel works at Plum Point and elsewhere. Some of it has been expended in the construction and operation of dredge boats. Some of it has gone into the construction of levees; some has gone for other purposes. On page 4550 of volume 7 of the Report of the Chief of Engineers for 1900 will be found a consolidated statement of all their expenditures. As to all expenditures they have full latitude.

Now, I have always entertained the opinion that I had discharged my full duty when I had taken my part in securing these general appropriations from Congress. I have always attended the meetings of the Mississippi River Commission because I have acquired much information and benefit and profit from my intercourse with its members, but I never, either in public meeting or private conversation, requested them to allot a single dollar of this money for my district. I have had such high regard for these distinguished officers that I have felt that it would be both idle and improper for me to attempt, by solicitation or otherwise, to control their action in the matter of disbursements to be made by them.

This publication, which was designed to array the people of my district against me, makes the statement that at its date the Congressional district which I have the honor to represent had received at the hands of the Mississippi River Commission since I became a Representative only \$1,824,433.22. As I propose to dispute this statement, I shall publish with my remarks the whole article, so that its author may have the same detailed hearing before this magnificent tribunal that I propose to have myself. This is just to both him and me. Now, while I have not, for the reasons already given, solicited the Mississippi River Commission to make specific allotments for my district, I propose to show how grossly inaccurate the figures of my assailant are. I dispute the statement which my friend from Iowa put into the RECORD for the purpose, in part, of vindicating the Mississippi River Commission itself from what would otherwise have seemed to be a very gross discrimination against the citizens of my district.

Now, there were actually expended by the United States from 1882 to April 30, 1900, as is shown by the report of the Mississippi River Commission, on page 4536 of the report of the Chief of Engineers for 1900, which I have on my desk, and which bears date June 30, 1900, the sum of \$15,193,050.21, distributed as follows:

| | |
|---------------------------------|---------------|
| Upper St. Francis district..... | \$19,691.22 |
| Lower St. Francis district..... | 610,393.95 |
| White River district..... | 1,121,257.08 |
| Upper Yazoo district..... | 1,055,105.93 |
| Lower Yazoo district..... | 2,792,834.95 |
| Upper Tensas district..... | 3,946,710.56 |
| Lower Tensas district..... | 2,295,583.84 |
| Atchafalaya district..... | 1,280,643.08 |
| Lafourche district..... | 487,070.91 |
| Barataria district..... | 311,060.04 |
| Pontchartrain district..... | 992,583.08 |
| Lake Borgne district..... | 269,515.57 |
| Total..... | 15,193,050.21 |

From the appropriation of two millions and a quarter carried by the sundry civil bill of June 6, 1900, which have been largely thought not wholly expended (I refer to page 4526 of the same report), \$1,065,500 were allotted to be expended for levees, as follows:

| | |
|---------------------------------|-----------|
| Upper St. Francis district..... | \$20,000 |
| Lower St. Francis district..... | 114,500 |
| White River district..... | 50,000 |
| Upper Yazoo district..... | 94,000 |
| Lower Yazoo district..... | 150,000 |
| Upper Tensas district..... | 300,000 |
| Lower Tensas district..... | 110,000 |
| Atchafalaya district..... | 55,000 |
| Lafourche district..... | 28,000 |
| Barataria district..... | 14,000 |
| Pontchartrain district..... | 50,000 |
| Lake Borgne district..... | 80,000 |
| Total..... | 1,065,500 |

This makes the amounts expended and allotted as follows:

| | |
|----------------------------|---------------|
| Upper St. Francis district | \$39,691.22 |
| Lower St. Francis district | 724,893.95 |
| White River district | 1,171,257.08 |
| Upper Yazoo district | 1,149,105.93 |
| Lower Yazoo district | 2,942,834.95 |
| Upper Tensas district | 4,246,710.56 |
| Lower Tensas district | 2,405,583.84 |
| Atchafalaya district | 1,545,643.08 |
| Lafourche district | 515,070.91 |
| Barataria district | 325,690.04 |
| Pontchartrain district | 1,042,583.08 |
| Lake Borgne district | 349,515.57 |
| Total | 16,258,550.21 |

These figures show that the levee commissioners of my district have received the sum of \$4,091,940.88.

The said attack upon me states that \$445,825.45 had been given them before my service here began. Deduct this from the aggregate above stated and there remains the sum of \$3,646,115.43 received by them from the United States since my first term began.

The attack upon me, which bears date July 6, 1898, charges that at that time the total sum expended by the United States on Mississippi levees since I became a member of this House was \$1,824,433.22. If this be true, then, between July 6, 1898, and June 30, 1900, the date to which I have computed levee expenditures and allotments, the Mississippi River Commission must have set apart to Mississippi levees the difference between that sum and \$3,646,115.43, or, say, \$1,821,682.21, and this every man in the district knows is preposterous. This shows the gross inaccuracy of the figures used in the attack upon me.

But this is not all. The commission have expended \$145,000 in revetting the bank at Lake Bolivar for the purpose of saving the large and costly levee at that point, which was about to cave into the river. If it had not done so, the levee line would have had to go around the lake at an enormous cost. So the commission have prevented by revetment at a cost of \$449,269.40 the threatened cut-off at Ashbrook Neck, on the Arkansas side, between Arkansas City and Greenville. In their report of June 30, 1900, they say:

At Ashbrook Neck a cut-off has been prevented which, if allowed, would have so changed the course of the river in the vicinity that two other cut-offs would have inevitably followed, together with an increase of caving and the destruction of a considerable part of the levee system of the Yazoo and Tensas basins.

At least one-half of this sum—say \$224,634.70—should be added to the expenditures made by the United States to the levee builders in my district. Add this and the Lake Bolivar expenditure and we have altogether contributed for levee purposes in my district since I entered Congress \$4,015,750.13.

There is still another item which must be considered in ascertaining how much assistance for levee purposes my district has received.

The Report of the Chief of Engineers for 1900, page 4825, shows that since my service began \$843,418.02 have been expended in protecting the banks in the Greenville Bend. The Mississippi River Commission, in their report of July 1, 1899, say:

It has for its object the rectification of the banks to prevent the encroachment of the river upon the town of Greenville, Miss., and also to prevent the destruction of the controlling levee line which protects the Yazoo Basin from overflow.

Let us see, now, how the case stands if the basis of mileage be adopted. I allude to this because the author of this attack attempts to take up the question from the standpoint of mileage.

The commission, in their report of June 30, 1900, say that the levees, as they now stand, are "over 1,300 miles long." The Mississippi levees are 310 miles long, or less than one-fourth of the whole. The total expenditures and allotments for levees, as already shown, amount to \$16,258,550.21. Of this Mississippi has received for levee building \$4,091,940.88, or more than one-fourth of the sum expended and allotted for the entire river.

If the mileage basis be adopted as to those expenditures and allotments only which have been made since I became a Representative, it will stand thus: I have shown that \$16,258,550.21 have been expended and allotted for the whole river. The article attacking me says that \$1,778,695.36 had been expended before my entrance here. Deduct that and we have left \$14,479,854.85. One-fourth of this is \$3,619,963.71. The Mississippi levees are less than one-fourth of the whole in length, and yet they have received \$3,646,115.43, or more than one-fourth of the aggregate expended for levees since my service here began.

These figures, which are taken from the last report of the commission, show how easily simple facts, plainly stated, can put down an unwarranted and unprovoked attack.

But, Mr. Chairman, since, in justice to the gentleman who made this attack I give him the full benefit of his argument, which was evidently prepared with great care and elaboration, by publishing it in the RECORD, it becomes necessary that I should make reply to other charges contained therein than those specifically adverted to by the gentleman from Iowa. They will be read by my associates here and wherever the CONGRESSIONAL RECORD goes, and if

I should fail to meet them here and now my silence might, and most likely would, be construed into a confession that they are justified. My distinguished friend from Iowa [Mr. HEPBURN] was kind enough to say that I have done more for the cause of the Mississippi River and in securing levee contributions from the Government than any other gentleman in the House, and he also stated that in season and out of season I have devoted myself to this work. I am quoting him from memory, but I have given, I think, the substance of what he said. I greatly value his kind and complimentary expressions, but it becomes my duty to inform him that he has been laboring under a delusion; that I have been a "truant;" that I have had no part whatever in upholding the work; that I have done nothing toward securing appropriations, and that the Senators and other Representatives from the valley States have likewise done nothing in this regard.

Mr. HEPBURN. Will the gentleman from Mississippi allow an interruption?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Iowa?

Mr. CATCHINGS. Certainly.

Mr. HEPBURN. I hope the gentleman from Mississippi did not suppose that I was endeavoring to aid in any attack that had been made upon him.

Mr. CATCHINGS. I understand that, but I am none the less called upon, I think, to meet the attack from which my distinguished friend quoted. Having stated to my friend that neither myself nor any other Representative in Congress has been of influence in securing these appropriations, I will explain to him how they came to be made by reading further from this attack upon me.

The article says:

When speaking to you [meaning thereby the people of my Congressional district] on the subject of appropriations for levees and the Mississippi River, I have divided the periods before and after 1890. It was that year the great and disastrous flood caused all the country to stop and fix their attention on our needs. It was that year all commercial bodies and organized associations passed resolutions calling on the Government to give us aid. It was that year the river interests held a convention in Vicksburg and sent a delegation to Washington to lobby for an appropriation for levees, and that year marks the beginning of the increase in money for the levees, and yet General CATCHINGS had already been a member of Congress six years.

It was the united efforts of allied interests, railroads, etc., that made the expenditure for levees thereafter more than twice what it was before. General CATCHINGS did not bring about the increase, and if his friends claim that he did, it lies with them to show why he shall not be held responsible for the Government policy which has piled up debts on his district, and that you all know is a fact.

So my friend [Mr. HEPBURN] will see that he has all these long years been laboring under a gross delusion, and that my learned colleagues from Arkansas and Louisiana and Mississippi and Tennessee, and myself and the Senators at the other end of this Capitol have had nothing to do with it, but that these appropriations have all been secured through the efforts of the railroads and "allied interests," whatever they are.

This chipper assertion that outside influences have secured these appropriations brings to my mind a cognate assertion from another source, with regard to the sundry civil bill of June 6, 1900, which carried an appropriation for the Lower Mississippi River of \$2,250,000. A gentleman from my district, Mr. Fred. Clark, who is a fine lawyer and a most excellent citizen, came on here while that bill was pending in the Senate to urge that an appropriation be added to it. It was added, and when the bill came back here the House agreed to it. This was all done in pursuance of the plans of the Congressional friends of the river, which had been formed long before he came here.

Yet I am reliably advised that there are persons in my district who are silly enough to believe or malicious enough to say that the \$2,250,000 were appropriated as the result of influence exerted by Mr. Clark. Now, there is not a gentleman here who does not know that Mr. Clark's influence was no more felt than a fly would be on the tusk of an elephant. If the time shall ever come when the people of the Mississippi Valley are driven to rely upon such so-called outside influence to secure assistance from the Government, they will find that their great cause has already received its deathblow.

A further perusal of the article from which my friend from Iowa quoted, and which he has since placed in my hands, will show that the attack upon me is far more radical than a mere criticism of me for not procuring what its author seems to think he could have obtained and what I ought to have obtained in the way of levee contributions from the Mississippi River Commission, for in another paragraph he says:

And I will tell you that I do not believe any man knows what a complete levee system from Cairo to the Gulf would cost.

That statement is made in the teeth of the averment by the members of the Mississippi River Commission, which I know to be concurred in by all engineers who have ever investigated the subject, that such a system can be completed for \$20,000,000. I am but a layman myself, Mr. Chairman. I am but a humble groper in the dark. I simply follow, in my plain and modest way,

when I undertake to discuss the engineering problems involved, the path which has been blazoned out by the distinguished officials placed by the Government in charge of this work, and what they advocate I advocate, and what they condemn I condemn. But while this is so, if I really believed that they are wrong, and that no man knows what a levee system would cost, I should not feel justified in asking for further appropriations.

But this is not all. The article proceeds:

And it is not to your interest for the Government to attempt to build it at this time unless it will finish your part first.

Suppose that I could have brought myself to the advocacy of so extraordinary a proposition and that when we came to deal with the Mississippi River in the River and Harbor Committee room I had said to the members of the committee: "I want you to put a proviso on this appropriation requiring the Mississippi River Commission first to complete the levees on the Mississippi side before it expends a dollar in the States of Missouri, Arkansas, Louisiana, or Tennessee." And suppose that the River and Harbor Committee, through some inconceivable process of reasoning, had sanctioned the suggestion and reported its bill to the House with such a proviso. Does not every gentleman here know that all of my good and honored friends from those States whose alluvial lands are just as much entitled to protection as those in Mississippi would have leaped upon my back like a pack of wild-cats and torn me to pieces in the hundredth part of a second? Does not every gentleman here know that such a proposition would be rejected by this House by a unanimous vote? The whole assault upon me, and this suggestion in particular, ignores the fact that the object of these appropriations has largely been to effect the general improvement of the river in the interests of commerce and proceeds wholly upon the idea that they have been made solely for the prevention of overflows.

The Mississippi River Commission was neither expected nor required by Congress to make an equal division of money among the several levee districts, and upon such a theory no appropriations at all could have been obtained.

The attack proceeds as follows:

But they—

Meaning my friends—

say send him back to Congress and let him finish it. Finish what? The mortgaging and destruction of the Yazoo Delta? I think it is time to change the plan and policy of the Government aid.

So you see, my friend from Iowa, that the attack is radical and far-reaching. Gentlemen will perceive that this is not merely a criticism of my supposed dereliction in getting allotments of money for my district from the Mississippi River Commission, but that an assault is made upon the whole method and policy which I have thought it wise to pursue. A change of plan and policy is demanded, which of course can only be effected by legislation. What legislation should be enacted to accomplish this change is not stated, but of course Congress will be advised of this in time. But we know that it is to be radical enough to overthrow the plan and policy which have hitherto been pursued.

The article proceeds:

General CATCHINGS is in Congress to-day without a party to which he can claim to belong, to which he can turn to ask for aid in that matter, and he is stopped from calling on the Government to right the wrong done by a policy he has been advocating.

I have been laboring under the impression that I am a Democrat. [Laughter.] I know that I am not a Republican, and I do not think that my good friends, the Populists, claim me as belonging to their band; but here I am informed, and you are informed for the first time, that I belong to no political party.

For a political orphan I have done fairly well, for I have received uniform courtesy and generous consideration from substantially the entire membership of the House, and I now beg to express my grateful acknowledgments therefor.

The assault upon me is continued, as follows:

But I must invite your attention to the record of appropriations for rivers within the Third Congressional district. It is shown by the reports of the Chief of Engineers that at the time General CATCHINGS went to Congress the following rivers were being improved: Yazoo, Big Sunflower, Tallahatchie, Coldwater, Yalobusha, Tchula Lake, and Steeles Bayou, and that \$262,500 had been appropriated in eleven years preceding. Since he went to Congress all improvement has stopped on the four last, and in the fourteen years \$332,000 was appropriated. Yet the amount expended for river and harbor works has increased enormously. Neither can he take refuge behind the engineers in this by claiming adverse recommendation, because the full amount of money asked for has almost never been given, and in the report for 1888, page 1363, the engineers asked for \$6,000 for Yalobusha and never have gotten 1 cent. In the report for page — he asked for a survey of Big Sunflower and the Yazoo systems, so as to make a plan for locks and dams, saying the river never had had enough money spent on it; yet no money has ever been given.

As to the Yalobusha River. This river is a matter of no earthly consequence to the people of my district, and not one of them have ever mentioned it to me. In the report of the Chief of Engineers for 1885, page 1520, the sum of \$5,000 was asked for it, although more than the original estimate had then been exceeded.

In 1886, page 1474, Report Chief of Engineers, \$6,000 was asked for. The same sum was asked for in the Chief's report for 1887-88, page 1474. It was stated that five or six months' navigation was already secured, but that "no steamboats ply in this stream at present and the commerce amounts to little or nothing." The same report was made in 1888. The Committee on Rivers and Harbors did not regard the stream as worthy of further improvement, as it had no commerce. I so stated to Senator Walthall, whose home county was chiefly concerned, and he fully concurred in that opinion, and at his suggestion I allowed it to go by without objection. Further appropriations under conditions as they were then reported to be would have been wholly unjustifiable. Tchula Lake and Steeles Bayou were appropriated for until the estimates for them were exhausted. As to Coldwater, the report was adverse. On page 1519, Chief's report for 1885, it is said:

No further appropriation is asked for this improvement. The river is only navigable during the highest stages of water in the Yazoo and Tallahatchie rivers, and then navigation is good and about as safe as that of the latter. To secure safe navigation at lower stages would require a greater expenditure than the commerce of the country would warrant.

The Yazoo, the Big Sunflower, and the Tallahatchie have received the customary percentage of the estimates for them.

As to the criticism that I have not secured an appropriation of \$50,000 for a survey of the Big Sunflower and Yazoo systems, I will say that the author of this attack talks about it as if it were a mere bagatelle that a child might get for the asking. I do not know what my good friend the honored chairman of my committee [Mr. BURTON] would say if I should suggest that he allow me \$50,000 simply for the purpose of making an experimental survey of these streams, to ascertain if they could be improved, perchance, by a costly system of locks and dams. The author of this attack will, of course, in due time make up for my dereliction in this matter by securing the \$50,000 needed for the survey.

Now, the older members of this committee will remember—my friend from Iowa [Mr. HEPBURN] I know will, because he assailed me quite vigorously in connection with it—that I secured in the bill of 1896 a provision placing under what we call the continuing-contract system the work for the diversion of the mouth of the Yazoo River in order to restore the Vicksburg Harbor. I do not just now recall the cost of the project, but it was something over a million dollars. That work was held up by the Secretary of War, along with other contract works in that bill, for some considerable time. I only got it released, so to speak, on the 2d day of February, 1898. That is, on that day I got the permission of the Secretary of War for the engineer in charge to proceed. From some cause, as to which I have no information, the engineer in charge did not advertise for proposals until about June, 1899, nearly eighteen months after he had permission to proceed. Now, the author of this attack charges me with having the work delayed for the purpose of inducing my constituents to believe that it was essential that I should be returned to Congress in order to secure its prosecution. He says:

He has simply held back this work as a club to beat you into returning him to Congress.

I am quite sure that it is not necessary for me to say to Representatives here who have served with me and who are familiar with the manner in which I discharge my public duties that I am incapable of so scurvy a trick. As a matter of fact, I never approached the engineer in charge with a view to hastening his action, because I had enough regard for him to feel that he would have resented it just as I would resent any interference by an engineer with my official work. I supposed that in his good time, when he had prepared his plans and got them ready, he would proceed with the work. That is the whole of it, so far as I am concerned. It is obvious, however, that I could not have delayed the work without the unscrupulous cooperation of the Secretary of War, the Chief of Engineers, or the engineer in charge, or all of them.

The attack upon me continues:

But in truth, if he had attended to this contract and had the work done as he should, he would have been left without any excuse for asking the free silver people of Warren County to send a pinchbeck gold bug to Congress. He has simply held back this work as a club to beat you into returning him to Congress. There is only one other explanation that can be offered—he is utterly without influence in Washington City.

I do not know that it is a thing to pride myself upon at all, but I had thought that I was a gold bug of the pure and unadulterated sort; yet it seems that in this respect, as in all others, I am merely pinchbeck. I am not only charged with having for selfish, political purposes delayed the work after it had been authorized, but I am denied any credit whatever for its adoption by Congress. After some preliminary remarks, intended to show how the idea of the project originated, the attack proceeds:

Major Willard—

Meaning the local engineer—

and Hon. L. W. Magruder went to Washington City in February, 1892, and explained the real status of affairs to the River and Harbor Committee, and for these reasons the river and harbor act approved July 13, 1892, appropriated \$75,000 for purchase and clearing right of way.

This was the beginning of a project to cost over a million dollars. Major Willard and Hon. L. W. Magruder explained it, "and for these reasons" it was adopted. Gentlemen here can get a valuable "pointer" from this. They have, I am sure, had the impression that a great deal of patient and persistent work was required at their hands to secure the adoption of such a costly project as this. They are now assured that they are mistaken in this, and that it is only necessary to bring on the local engineer and one of their citizens to explain things to the River and Harbor Committee and the matter is accomplished in the twinkling of an eye. And, of course, it was because Major Willard and Hon. L. W. Magruder explained things to them that in 1894 \$225,000 was appropriated, and that in 1896 the project was placed among the most favored ones under the continuing-contract system, with authority for the expenditure of \$860,000 more. The attack will be published with my remarks in full, and I trust that all gentlemen here will read it.

Mr. Chairman, I have already detained the committee far longer than I had any idea of doing. I thank them very much for the kind attention they have given me. If I have spoken at undue length, it has been for two reasons: First, I have had the work which has been my theme very much at heart; and, second, this is the last opportunity that I shall ever have to address such an audience as this in its behalf. I go out of Congress, as my good friends all know, on the 4th of March, and I felt that I could not deny myself the pleasure, for it is a pleasure, to raise my voice once more in behalf of the good people of my district, whose hearts are bound up in this great work. I now repeat that it is my honest judgment that this Government can do no work which will bring so much joy, so much blessing, so much benefit to so many people, and at the same time bring so much profit to the Government itself. [Loud applause.]

The attack commented upon is as follows:

LEVEE FACTS AND FIGURES—HON. PATRICK HENRY PROVES THAT CLAIMS MADE FOR CATCHINGS ARE FALSE.

I have appeared before you at various times and places within the last sixty days and have stated the facts concerning the much-vaunted services of your present Representative in Congress. I notified him by publication where and when I would show up his record, offering to divide time, but he has only appeared by proxy to enter his defense. Each time that a Goldbug has answered in his name and offered you glittering generalities I have pinned him down with the figures and scorched him with the fire of truth so not one has essayed a second fight.

When speaking to you on the subject of appropriations for levees and the Mississippi River, I have divided the periods before and after 1890. It was that year the great and disastrous flood caused all the country to stop and fix their attention on our needs. It was that year all commercial bodies and organized associations passed resolutions calling on the Government to give us aid. It was that year the river interests held a convention in Vicksburg and sent a delegation to Washington to lobby for an appropriation for levees, and that year marks the beginning of the increase in money for the levees, and yet General CATCHINGS had already been a member of Congress six years. It was the united effort of allied interests, railroads, etc., that made the expenditure for levees thereafter more than twice what it was before. General CATCHINGS did not bring about the increase, and if his friends claim he did it lies with them to show why he shall not be held responsible for the Government policy which has piled up debts on his district; and that you all know is a fact.

The only other champion who has offered to defend the truant is the Vicksburg Herald. Instead of sending a reporter to take down my words, if it desired to reply, it has tried to create the impression that it was answering me by talking about one thing when I said something about another. It has offered a lot of figures which it says were gotten together by great labor, and from the way they are mixed I think it was. It doubts if I have learned enough in so short a time as to be able to tell why they are wrong. I am not called on to set the Herald straight every time it wanders astray politically or otherwise, but as soon as I quit accepting what it said about levees or other matters it was not hard for me to learn the facts. This it can easily do if it will accept the official reports and quit trying to fit the figures to its own ends.

I am free to confess, though, that I was perfectly astonished at the cheek of General CATCHINGS's followers in proclaiming his championship of the river interests. You must understand that his reputation is based on his supposed knowledge of the river problem, as it is called, and he has made speeches upholding the plans of the Mississippi River Commission for retvetting the banks and building levees to scour the river bed. The bank retvetment has been declared a failure by the commission itself, after spending about \$17,000,000, and the Herald of Sunday, July 3, says the bed doesn't scour, and that it is now known that it will yet cost more to finish the system than it was believed it would before any money was spent. And I will tell you that I don't believe any man knows what a complete levee system from Cairo to the Gulf would cost, and it is not to your interest for the Government to attempt to build it at this time unless it will finish your part first.

The report of the secretary of the Mississippi River Commission each year since 1885 gives a detailed account of all the expenditures from the beginning to date. I have taken the following from the report of the Chief of Engineers of the Army for 1885, pages 2362 and 2363, as the amounts expended for levees from March 3, 1881, to June 30, 1885:

| | |
|---|--------------|
| Long Lake, Arkansas..... | \$15,000.00 |
| Yazoo Front, Mississippi..... | 80,050.00 |
| Opossum Fork, Arkansas..... | 25,000.00 |
| Yazoo Front, Mississippi..... | 364,875.45 |
| Tensas Front, Arkansas and Louisiana..... | 411,107.74 |
| Tensas Front, Louisiana..... | 548,258.24 |
| Atchafalaya Front, Louisiana..... | 133,503.93 |
| Total..... | 1,778,895.36 |
| The total appropriations for the Mississippi River..... | 8,483,548.56 |

The above amount for levees had been spent before General CATCHINGS entered Congress. He was elected in 1884 and took his seat in December, 1885, and of that there had been spent in Mississippi \$445,825.45, or a little over 25 per cent, or one-fourth of the whole.

In the report for 1897, which is the last that has been published, on page 3529 et seq., I find expended for levees to June 30, 1897—

| | |
|--|---------------|
| Lower St. Francis district, Arkansas..... | \$354,097.34 |
| White River district, Arkansas..... | 902,757.35 |
| Upper Yazoo district, Mississippi..... | 811,619.92 |
| Upper Tensas district, Arkansas and Louisiana..... | 3,088,731.78 |
| Lower Yazoo district, Mississippi..... | 1,458,638.75 |
| Lower Tensas district, Louisiana..... | 1,664,912.01 |
| Atchafalaya and four other districts, Louisiana..... | 2,620,078.93 |
| Total..... | 10,901,835.77 |

There were some items, probably engineering and administration, not included in the above, for on page 3534 the total for levees is given, \$11,059,216.02, and the total for the river, \$33,653,027.

Out of the above the Mississippi levees, it is seen, got \$2,270,158.67, and, deducting the money spent previous to 1885, there is left \$1,824,433.22, received since General CATCHINGS went to Congress, or a little over 20 per cent or one-fifth of the amount spent on levees. Before General CATCHINGS went to Congress the whole appropriations were at the rate of \$2,123,857 per annum, and your district got one-fourth of the levee money; since he went the whole appropriations have been at the rate of \$2,697,456 per annum, and your district has gotten one-fifth of the levee money.

But it is the dirt put in the levees, after all, that the people want, and on page 3518, etc., of the report for 1897 is a detailed account of the levees, except the per cent built by the United States in lower Louisiana, which is on page 3787.

I find by calculating the amount built by the United States, from the total and the per cent stated, that the various levee districts now contain as follows:

| | Miles. | Total. | Built by United States. | |
|---|--------|----------------------|-------------------------|-------------|
| | | | Per cent. | Amount. |
| Lower St. Francis, Missouri and Arkansas..... | 115 | Cubic yds. 5,200,570 | 53 | \$2,783,102 |
| White River, Arkansas..... | 64 | 5,889,044 | 84 | 4,945,797 |
| Upper Tensas, Arkansas and Louisiana..... | 173 | 21,996,612 | 70 | 15,395,220 |
| Lower Tensas, Louisiana..... | 131 | 12,766,527 | 63 | 8,042,912 |
| Atchafalaya and 4 others, Louisiana..... | 468 | 36,066,863 | 63 | 22,772,123 |
| Upper Yazoo, Mississippi..... | 124 | 12,793,485 | 34 | 4,349,788 |
| Lower Yazoo, Mississippi..... | 186 | 22,174,392 | 31 | 6,962,600 |

Total built by the United States in Missouri, Arkansas, and Louisiana..... cubic yards... 53,945,154
Total built by the United States in Mississippi..... do..... 11,312,238

More levee has been built by the United States in the 64 miles of the White River district than the 124 miles of the Upper Mississippi levee district and nearly two and a half times as much in the Upper Tensas as in the Lower Mississippi, although the latter has 13 miles the longer line.

The Upper and Lower Tensas in Arkansas and Louisiana have together 306 miles of levees, the Upper and Lower Yazoo 310, yet the United States have in round numbers built 23,000,000 cubic yards for them and 11,000,000 for you.

For every yard of dirt the Government has put up for you, you have put up 2 for yourselves; just across the river for each yard the Government built the people have put up only half a one. If the same ratio of help had been extended you, you would have gotten four times as much as you have received, and the Government has no right to build levees on the other side to force you to mortgage yourselves to build levees on this.

What, am I opposed to Government aid to levees? No! Distinctly I am in favor of it! But it must give aid equally, or make sure that in helping one it shall do no injury to another. You have not had help even in proportion to the length of your levees. The other side has 350 miles, you have 310; they got 13,000,000 yards, you got 11,000,000; their line is three times as long as yours, and they have had five times as much earth put up for them.

Since the new era of Government levee building began the debt of the Upper Mississippi levee district has trebled and that of the lower quadrupled, and to-day the former owes more than a million and a half, the latter over a million and a quarter. General CATCHINGS can not claim the credit of a policy without shouldering the responsibility for its results. He can not even claim that he had no evidence of the outcome of his policy. Many of the engineers gave warning. General Comstock pointed out the fallacy of it. Captain Townsend showed what was to be expected. Major Dabney has said it was a fight between the levees on the two sides and only a question of which would get broken, only in the dim future could they hope to hold it all. Mr. Coppee describes the result in these words: "The rapid closure or protection of many thousands of acres of comparatively worthless land by levees has produced a very pronounced and elevating effect on the flood level in the long-established levee districts. Large reservoirs have been closed, not by degrees, but immediately, giving the river no possible chance to accommodate itself to the change, except by an extensive rise in the flood plane, which in 1897 was decidedly disastrous to the levees protecting one of the richest and most highly developed agricultural countries in the world, with all the growing crops, mills, and manufacturing plants, towns, and cities, quite a network of railroads and rivers navigable during a large portion of the year."

But they say, "Send him back to Congress and let him finish it." Finish what? The mortgaging and destruction of the Yazoo Delta? I think it is time to change the plan and policy of the Government aid. Build the levees for the purpose of improving the river, but build so they shall not ruin our land. General CATCHINGS is in Congress to-day without a party to which he can claim to belong, to which he can turn to ask for aid in this matter, and he is stopped from calling on the Government to right the wrong done by a policy he has been advocating.

But I must invite your attention to the record of appropriations for rivers within the Third Congressional district. It is shown by the reports of the Chief of Engineers that at the time General CATCHINGS went to Congress the following rivers were being improved: Yazoo, Big Sunflower, Tallahatchie, Cold Water, Yalobusha, Tchula Lake, and Steeles Bayou, and that \$232,500 had been appropriated in eleven years preceding. Since he went to Congress all improvement has stopped on the four last, and in the fourteen years \$232,500 was appropriated. Yet the amount expended for river and harbor works has increased enormously. Neither can he take refuge behind the engineers in this by claiming adverse recommendation, because the full amount of money asked for has almost never been given, and in the report for 1888, page 1363, the engineer asked for \$6,000 for Yalobusha and never has gotten one cent. In the report for page — he asked for \$50,000 for a survey of Big Sunflower and the Yazoo system, so as to make a plan for locks and dams, saying the river never had had enough money spent on it, yet no money has ever been given.

Now, I want to tell you about the Vicksburg Harbor and the Yazoo Canal. As you all know, the cut-off took place in 1876, and the city authorities and prominent citizens had a survey made the next year by Maj. Thomas G. Dabney, the able engineer whom we are all proud to claim as a fellow-townsmen. He submitted a plan to the Government engineer board to hold the Delta Point, dredge the harbor, and bring the Yazoo River through from Old River. The board approved the Delta Point work and the harbor dredging, but said the Yazoo could not keep its own mouth washed out and it could not be expected to keep the lake clear. They fixed the cost so high that it killed all hope of getting the Yazoo through. Congress made appropriations and the work went on at Delta and in the harbor until in 1883, when the dredges took out 350,000 cubic yards and the river filled in 1,250,000. Then Capt. William L. Marshall threw up the job and said it would cost \$2,600,000 and the whole town was only worth about \$2,400,000, or less by \$200,000 than the cost. This put an end to all work except at Delta Point for several years, until the city had another survey made by Mr. H. St. L. Coppee. He proposed a slack-water basin to be surrounded by dams to keep out the muddy water, and the Government engineers indorsed the plan. Congress again made appropriations, and dredging went on for several years, till it became apparent that the bottom of the canal raised up as fast as it was dredged down.

Then our energetic and wide-awake chairman of the harbor committee, Capt. E. C. Carroll, stirred things up and a survey was ordered by the river and harbor bill of 1890 for the mouth of Yazoo River.

The survey was made, under Maj. J. H. Willard, by Mr. H. M. Marshall, and he showed that the present mouth of the Yazoo is stopped up every year by the Mississippi because it comes in on the shallow side of the Mississippi, but at Kleinston it would come in on the deep side. This survey also showed that the cost would not be as great as had been estimated. Then Major Willard justified the cost of the work by pointing out that it would give access all the year to the Yazoo and its tributaries—a system of rivers covering 800 miles of navigable waters.

Major Willard and Hon. L. W. Magruder went to Washington City in February, 1892, and explained the new status of affairs to the River and Harbor Committee, and for these reasons the river and harbor act approved July 13, 1892, appropriated \$75,000 for purchase and clearing right of way.

The act approved August 18, 1894, appropriated \$225,000 to continue the work and also \$40,000 for the Vicksburg Harbor.

The act passed June 3, 1896, authorized the Secretary of War to make a contract to complete the work, to be paid for with the balance on hand and out of any money "as appropriations may from time to time be made by law, not to exceed in the aggregate \$860,000, exclusive of the amount heretofore appropriated."

This also limited the amount to be paid by the Government to \$400,000 in any one year.

The effect of this was to permit an appropriation to be made for this work in the next sundry civil bill.

This was done, and the sundry civil act of June 4, 1897, appropriated \$350,000.

Right here I want to state one of my reasons for not opposing General CATCHINGS for Congress in 1896. The money for this work, in which we are all so vitally interested, was not available, except the small balance on hand, and no contract could be let with advantage to the United States until an appropriation should be made by the sundry civil bill. Many prominent citizens talked to me and expressed the opinion that the work would be jeopardized if a new man should be sent to Congress. This had weight with me, but I want to say right now that reason no longer exists.

I have explained that the river and harbor bill of 1896 authorized the letting of the contract to be paid for as the money may be appropriated, and that \$50,000 was appropriated in June, 1897, which, with the money on hand, gives about half a million dollars now available. This would permit a contractor to do the work and be certain of a large part of his pay without delay. The Attorney-General of the United States has given his opinion in regard to these contracts, and he says that Congress ordered them and they must be let, and when they are finished, if the money is not already appropriated, they become a valid claim against the Government. The report of the engineers for 1896, page 411, shows there were 36 of these contracts authorized, and the report for 1897 shows that work is going on now and has been for nearly a year on 31 of them. On 3 the engineers are figuring how to do the work for the money, and for a poor little bay on the coast of Oregon contract has been let, because no money was provided for it in the sundry civil bill, and the commerce, which was only 18,000 tons a year, is falling off at the rate of 7,000 tons per annum.

Yes, 31 and 3 and 1 only make 35, and I said there were 36 contracts. Well, we all know about that other one, and it will not bear talking about except among General CATCHINGS's friends, and they will not talk so much, now that the truth is made known about those other contracts.

But, in truth, if he had attended to this contract, and had the work done as he should, he would have been left without any excuse for asking the free-silver people of Warren County to send a pinchbeck gold bug to Congress. He has simply held back this work as a club to beat you into returning him to Congress.

There is only one other explanation that can be offered—he is utterly without influence in Washington City.

Respectfully,

PATRICK HENRY.

STATE OF MISSISSIPPI, County of Warren:

This day personally appeared before me, the undersigned, justice of the peace in and for the county and State aforesaid, W. L. Polk, who, being by me first duly sworn, deposed and says that he has examined and compared the figures contained in the above letter of Hon. PATRICK HENRY and find they are correct and agree with those in the published reports of the Chief of Engineers for 1885, pages 2962 and 2963, and for 1887, pages 3529, 3518, and 3787.

Witness my signature this 5th day of July, 1897.

W. L. POLK.

Sworn and subscribed to this 5th day of July, A. D. 1897.

JOHN GROOME,
Justice of the Peace.

The CHAIRMAN. The gentleman from Illinois is recognized for thirty minutes.

[Mr. MANN addressed the committee. See Appendix.]

[Mr. DOVENER addressed the committee. See Appendix.]

Mr. BOREING. Mr. Chairman, I send to the Clerk's desk and ask to have read an amendment which I propose to offer to the pending bill at the proper time.

The CHAIRMAN. The Clerk will read the proposed amendment in the time of the gentleman.

The Clerk read as follows:

In line 3, page 50, insert the following: "For the construction of lock and dam No. 21, Kentucky, \$100,000."

Mr. BOREING. Mr. Chairman, the appropriation of public money for the improvement of rivers and harbors, like the protection of American industries, is a doctrine inherited from the Whigs and developed by the Republican party. The old Democratic doctrine opposed all Federal aid to internal improvements for the reason that it tended to paternalism and greed. In more recent years the trend of public sentiment and thought and legislation has been in the direction of liberal appropriations for internal improvements, until it has come to be the settled policy of the Republic to improve our rivers and harbors at the expense of the General Government.

It is natural that the Republican States, represented in the House and in the United States Senate by Republicans, would be the first to take advantage of these opportunities to improve their navigation by the improvement of their rivers and harbors. The region of the Great Lakes and the rivers in the Northern States have not only reaped a rich harvest from this source of revenue, but they have laid broad and deep the foundations upon which to demand more. The committee now comes, after having provided bountifully for this section of the country, and declares a policy. And what is it? "To him that hath shall be given, and from that hath not shall be withheld," until the time when the rivers and harbors that have had appropriations shall have been improved to their full capacity. But upon that theory of distribution of improvements there can be no end to appropriations, because they propose to distribute according to tonnage; and those streams which were first favored have the advantage in tonnage, and they will ever keep it, and these appropriations must be eternal. My objection, therefore, lies to the bill, to their policy, and to their theory.

In the remarks I make I want it to be understood that I do not mean to disparage the interest of any community or to reflect upon any member of this or any other Congress. I suppose the Committee on Rivers and Harbors has been as fair as any other number of men would have been under the same circumstances; and there are no two members upon this floor for whom I have a higher personal regard than for the chairman of the Committee on Rivers and Harbors and my distinguished colleague from the Sixth district of Kentucky, who represents our State on that committee.

But, Mr. Chairman, the report from the Committee on Rivers and Harbors discloses certain facts. I beg leave to refer to those facts. In the first place, the city of Cleveland is very well provided for in appropriations, amounting to \$2,925,000; the city of Cincinnati has not been overlooked, because she has an appropriation of \$1,050,000; and the mouth of the Licking River, that little stream that flows into the Ohio River opposite Cincinnati, has an appropriation of \$307,000. I do not know, or did not know until the other day, how Licking River got its name. A distinguished gentleman who lives near the head of the stream, and close to its mouth also, said that it took its name from the fact that an ordinary thirsty dog could lick it dry during one night at its highest tide. [Laughter.]

Now, I do not know whether that is true or not, but I will say, Mr. Chairman, that if you will take Licking River, Big Sandy, and Salt River and put them into the Cumberland River at the head of its channel, by the time it would flow through the Eleventh district, in the Cumberland River, this additional volume of water would not raise a ruffle on the shoals, and yet Upper Cumberland River, in Kentucky, has not had one dollar appropriated to it. I desire in this connection to read the report of the Chief of Engineers, on page 2900:

Lock No. 21 (in Kentucky, 296.25 miles above Nashville and 28.75 miles below Burnside, Ky.).—By act of June 3, 1896, \$20,000 were made specifically applicable to Locks Nos. 21 and 22, and the sites for these locks and abutments of dams have been acquired by the United States. There is no single lock, and perhaps it may be said no two or three locks in this system, the completion and operation of which would do as much for the commerce of the Upper Cumberland River as the completion and operation of Lock No. 21. This lock may be likened to Lock A of the lower river system, in that it would afford a 3-foot stage at Burnside, Ky., the same as Lock A will give at Nashville.

But, necessarily, this will only produce another lake-like reach of navigable water, as would Lock A on the lower river improvement, until provided with an outlet.

There is a balance of \$17,035.39 remaining of the above that is expected to be applied in getting out stone for Lock 21.

That \$17,035.39 remains to our credit. The same engineer, writing on page 2901, says:

For continuing operations at Locks 21 and 22, \$300,000.

Now, what I complain of, Mr. Chairman, is, notwithstanding the Cumberland River has been surveyed and declared navigable to Burnside, Ky., notwithstanding it is navigable for small boats six months out of the year, notwithstanding it is in the plan of improvements, notwithstanding the engineers have reported in favor of the expenditure of \$300,000 at Locks Nos. 21 and 22, we

have been entirely ignored, and, so far as I know, all the appropriations, or nearly all, that have come to Kentucky have been applied or proposed to be applied at Cincinnati.

I know it is said that one-half of the improvements of the Ohio at Cincinnati are chargeable to Kentucky; but anyone at all acquainted with the situation must know, and does know, that all these appropriations, including the amount appropriated for the improvement of the mouth of Licking River, are intended to create a volume of water between Cincinnati and her Kentucky suburbs, because it is well known, and will not be denied, that the people of Covington and Newport do business and spend their money in Cincinnati; and I presume it will not be denied that this \$1,357,000 to be expended there will not tend to develop or subserve any of the material interests of the State of Kentucky.

Mr. Chairman, it will not put into the market one dollar's worth of the products of the farm, the forest, or the mines of Kentucky, and that is the reason that I have come to this House asking that it give to the Upper Cumberland in Kentucky one-third of the amount that the engineer has recommended to be expended there.

We see in this bill, further, that for the State of Ohio and the States of Michigan and Wisconsin in the region of the Great Lakes there is an appropriation to the amount of over \$16,000,000. And it has developed during this discussion that they are actually forcing upon the Detroit River, over the protest of the member of Congress who lives on that stream, nearly seventeen hundred thousand dollars. I appeal to the members of this House to say whether this is fair or not. I am satisfied that my distinguished colleague here will admit that this appropriation ought to be made to the Upper Cumberland, and that he will vote for it. I am not complaining of what is done for Cincinnati and the Licking River, but I am complaining of what has not been done for the Upper Cumberland.

Mr. Chairman, the Cumberland River flows 300 miles on an air line through the Eleventh district, and much farther by its meandering. Much of the Upper Cumberland is undeveloped. We have a valley of farming land as rich as the valley of the Nile. The 19 counties that compose the Eleventh district, 14 of which lie upon the Cumberland and its tributaries, have immense forests, covered by the growth that is usually found in that section. We have an inexhaustible coal field of the finest quality. That territory is inhabited by 258,000, according to the late census, of as loyal people to this Government as ever breathed upon this continent. I come to you in the name and upon the behalf of these people and I ask this appropriation.

I might have said that only 5 counties of the 19 are touched by a railroad. We only lack transportation for our products in order to make us one of the richest sections of this nation. I may say, Mr. Chairman, that the whole South is destined to be a great country. I am a Southern man by birth, by education, by residence, by interest, and by choice, and I stand for my people and my section. The South embraces a vast area of territory, reaching from Delaware to California. We have advantages in climate, in soil, and in resources; and when we have built the Nicaragua Canal, with our open-door policy in the Orient, the South will blossom like a rose. We come and ask at your hand but sheer justice when we ask for this appropriation.

Now, bear in mind, Mr. Chairman, that we are not asking for a new project. We are only asking that this committee follow out the line of their own policy, taking up the work where it has been started and continue it. If the Cumberland River was either an inlet or outlet of one of the Great Lakes it would to-day be locked and dammed from head to mouth. The great steamers of the ocean would be bearing the products of our forests and our coal mines to the constantly increasing demand of foreign markets.

Now, it may be said that when we propose to commence at Burnside and improve the river down, it is not in harmony with the present policy. But it is too late, Mr. Chairman, to make that plea, because it has dropped out in the discussion of this question that the whole system of improvement of the Ohio River is based upon the same theory. They commence at Bismarck and improve the river down, and promise now that it will go downward until it reaches the Mississippi. Moreover, this committee recognizes and continues by their appropriations the plan that began at Nashville and improved the Cumberland River both ways from that point.

The gentleman from New York [Mr. ALEXANDER] and the gentleman from Massachusetts [Mr. LAWRENCE] lay great stress upon the importance of having sufficient depth of water in the Butter-milk Channel and the Boston Harbor to allow the largest vessels that come into our ports to load to their full capacity with American products and to sail to foreign markets. I desire to call attention to the fact that the wealth of this country is hidden away in the mountains and mostly on the smaller streams, and it is as important that we develop this wealth and bring it down the smaller to the larger streams until it reaches the harbors on the great ocean as it is to provide for the shipment of these products from what they are pleased to call our great national harbors.

One error that I believe the committee has fallen into, to the detriment of fair legislation to all sections of the country, is their attempt to legislate and make appropriations upon their personal knowledge rather than to avail themselves of the information and recommendations of the engineers of the War Department, the appointed agents of the Government, who have been trained and educated for the work assigned them, and who have made the investigations and surveys of these streams and made impartial reports, suggestions, and recommendations as to the amounts that should be expended on the different projects under consideration.

It will be observed, Mr. Chairman, that this committee has not condemned the project commenced by a former Congress to improve the Upper Cumberland from Burnside toward its mouth, and the fact is, as I have learned from the chairman of the committee, they have not had time to visit the Upper Cumberland and inform themselves by actual observation of its capacity for improvement and the interests that its improvement would subserve. And I will further point out the fact that neither the chairman, in his speech on the apportionment bill, nor any member of the committee has dared to discuss with me the comparative importance to the State of Kentucky of the improvement of the Upper Cumberland as recommended by the engineers, with the improvement of the mouth of the Licking River as provided for in this bill.

The gentleman from Iowa [Mr. LACEY] said the other day, "Wherever you find an Ohio man, you find him with his face turned toward the national capital," and, in my opinion, he might have added, "and with his hand stretched toward the National Treasury." This is not at all discreditable to the Ohio people, because it shows that they are an enterprising and progressive people, and progress has no mercy on beliefs and creeds, political or religious. I do not blame Cincinnati for availing herself of all the appropriations charged to Kentucky, but the Representatives from Kentucky are to blame if they allow it to be done without entering their protest against such action. I am not blaming the great cities of the country for grabbing the lion's share of the \$60,000,000 appropriated by this bill for the rivers and harbors, but the men who represent rural districts are to blame if they do not stand up for their rights and demand an equal recognition for the improvement of the navigable streams available for carrying into market the products of our farms, our factories, our forests, and our mines.

I realize, Mr. Chairman, how easy it is for one of the great committees of this House, with the National Treasury behind it, to take care of enough interests to insure the easy passage through Congress of almost any bill that it may propose. But I would remind the Republican members of this body that there will come a time when the people of the United States will sit in judgment and pass upon all of our official acts. And I would further remind my Republican colleagues that our Administration will need the Fifty-eighth as much as it will need the Fifty-seventh Congress, and if the Republican party maintains itself in power it must be just and fair to all sections of the country in the enactment as well as the administration of the law.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HEPBURN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 827. An act for the relief of the trustees of the Presbyterian Church of Dardanelle, Yell County, Ark.;

H. R. 3020. An act for the relief of Rev. William T. McElroy; and

H. R. 12740. An act making an appropriation of Representatives in Congress among the several States under the Twelfth Census.

The message also announced that the Senate had passed the following resolutions:

Resolved, That it is with deep regret and profound sorrow that the Senate hears the announcement of the death of Hon. CUSHMAN KELLOGG DAVIS, late a Senator from the State of Minnesota.

Resolved, That the Senate extends to his family and to the people of the State of Minnesota sincere condolence in their bereavement.

Resolved, That as a mark of respect to the memory of the deceased, the business of the Senate be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Secretary transmit to the family of the deceased and to the governor of the State of Minnesota a copy of these resolutions with the action of the Senate thereon.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

[Mr. MADDIX addressed the committee. See Appendix.]

Mr. SMALL. Mr. Chairman, judging from the character of this debate, an unusual condition is presented by the House upon this bill. Out of the 357 members of this House it would appear that at least 340 of them are opposed to the bill which has been reported by the committee, and that there are only 17 in favor of it,

these 17 constituting the members of the committee. I do not rise for the purpose of giving notice of any amendment which I intend to offer, or to make any specific complaint against the bill.

Many objections have been urged against it. Members have complained that their particular district or State has been discriminated against or that waterways and harbors within their respective sections have been neglected by this committee. It was left to the gentleman from Kentucky who has just spoken [Mr. BOREING] to cap the climax of criticism by stating, as I recall his language, that \$70,000 is included in this bill for a waterway against the protest of the member within whose district that waterway is situated.

The gentleman from Washington [Mr. CUSHMAN] presented an elaborate table of figures to which he referred in addressing the House and by which he contrasted the volume of appropriations made in those States which are represented by membership on the committee with the remaining 28 States not so represented, and attempted to show that the committee had prepared this bill from a sectional and partial standpoint.

The distinguished gentleman from Iowa [Mr. HEPBURN], in his usual forceful manner, made a general attack, not only upon the bill, but generally on appropriations for river and harbor improvement. There was one feature of the gentleman's argument with which I was particularly impressed. He contended that the provisions of a river and harbor bill should not include appropriations for any waterway which did not affect commerce interstate in its character. This proposition seems plausible on its face, but I am of the opinion that difficulties would arise in making the application.

There are to-day various waterways and harbors upon which are carried hundreds of thousands of tons of commerce between the different States, but which were comparatively insignificant and local in their importance until the National Government began to make appropriation for improvement in recent years. As our country develops and traffic and the demand for transportation increases, new waterways, which seem at the time insignificant and yet contain possibilities of future growth and commerce, will demand the attention of the National Government.

I assume that the aid which the Government has for years been extending to internal improvements of this character will continue indefinitely as the policy of the Government. I can not conceive that any of these complaints which have been made against the present bill are well founded in fact. I have been one of the persistent and importunate members who have continuously waited upon the River and Harbor Committee seeking to have improvements and appropriations included in this bill.

I have not received recognition to the extent I desired nor, as I believe, to the extent of the needs of my district, but I realize the fact that if the demands of every member had been met and all the recommendations of the engineers had received appropriations, that the aggregate amount contained in the bill would have staggered even the liberality of this House and would have subjected the committee to merited criticism. I think I appreciate some of the difficulties which confronted the committee.

While the committee may have sought to set up certain standards and tests to judge of the worthiness of improvements, yet they found it impossible to rigidly adhere to them, and such has been the experience of all committees in the past. The one supreme test is the amount of tonnage to be affected by the improvement and not the location of the waterway nor the persistence of the interests involved.

The distinguished gentleman from Ohio [Mr. BURTON], who is chairman of the committee, has had too long and honorable service in this House to be affected by criticisms intended for home consumption. I believe that he and the entire membership of the committee in the preparation of this bill have endeavored to discharge their duty to this House and the country with fidelity and impartiality, and that sectional considerations have not entered into their deliberations. However, Mr. Chairman, I did not rise for the purpose of defending the committee, but it did occur to me that some member of this body having no official connection with the committee should give expression to these sentiments of justice, and which everyone knows express the truth.

Mr. Chairman, my object in seeking recognition was to address the committee briefly concerning a great inland waterway which is not subject to any of the objections which have been urged against other improvements, and which is national in its character. At the last session of the Congress I had the honor to introduce a bill for the survey of an inland waterway 16 feet in depth from the southern terminus of the Dismal Swamp Canal, at South Mills, Pasquotank County, N. C., thence extending down Pasquotank River to Albemarle Sound, thence across Albemarle Sound, Croatan Sound, Pamlico Sound, and Core Sound, with an outlet to the ocean, with the depth of 18 feet, through Ocracoke Inlet and Beaufort Inlet, North Carolina.

This bill was included within the provision of the emergency river and harbor bill of June 1900. The survey was made during

the last summer and fall, and the report of same submitted to Congress, but it was not printed in time for the consideration of the River and Harbor Committee in connection with the pending bill. I have fortunately just secured an advance copy of the printed report, which is of exceeding interest in connection with this great project.

The report recommends that Beaufort Inlet be chosen as the outlet to the ocean rather than Ocracoke Inlet for several reasons, but chiefly because the dangerous navigation around Cape Lookout will thereby be avoided. It appears from the report that the distance from the southern terminus of the Dismal Swamp Canal on Pasquotank River to Beaufort Inlet is 211½ miles. It further appears that the cost of this projected interior waterway would not exceed \$5,532,893.

I may say without fear of contradiction that it is one of the most important projects connected with the coastwise navigation of the United States. It was the dream of the early founders of the Republic to connect by a capacious canal the magnificent waters of Chesapeake Bay with those beautiful inland sounds in eastern North Carolina which I have mentioned. Ever since Sir Walter Raleigh's fleet entered the inlet on the coast of North Carolina and planted the first English colony on our Atlantic coast the dangers of Cape Hatteras and of Diamond Shoal have been known to the mariners on our coast.

Thousands of ships have foundered in its treacherous waters, and thousands of lives have found an unknown grave in the hungry vortex of its angry waves, and countless tons of produce have been scattered upon its shores. It stands as a menace to our coastwise shipping, and modern science and skill have failed materially to reduce the losses which annually occur along this perilous highway. It has been estimated that 10 per cent of our coastwise shipping is annually lost by shipwreck, and the great bulk of this is lost upon the bleak and dangerous coast of North Carolina.

How to avoid this dangerous coast and this menace to our shipping has been an ever-recurring problem. George Washington originally, it is said, formulated the scheme for the construction of what is now known as the Dismal Swamp Canal. This canal was constructed many years ago, but for some time was permitted to remain out of repair, until several years ago a company was organized and purchased the same, and they have recently reconstructed this important highway, so that the canal now has a depth of 8 feet, which it is proposed to maintain, and which is about the limit of depth which can be carried at all points across the North Carolina sounds.

This canal is an important factor in the development of commerce between the harbor of Baltimore and all points on Chesapeake Bay and the harbor of Norfolk and the various ports in eastern North Carolina.

There is also another canal which connects Chesapeake Bay and Norfolk Harbor with the waters of Currituck Sound and thence into Albemarle Sound, which is known as the Albemarle and Chesapeake Canal. This canal has also been in operation for many years and is owned by a company of enterprising and able men and has an efficient and zealous president, devoted to the development of the tide-water section of Virginia and North Carolina.

This canal also maintains a depth of 8 feet, and enjoys a large traffic with steamers and barges engaged in our coastwise commerce. The report of the district engineers, together with the division engineer and the Chief of Engineers, to which I have adverted, emphasizes the importance of this improved waterway; but they recommend that other and additional surveys be made of the route via the Albemarle and Chesapeake Canal and of all other existing routes between Norfolk Harbor and Beaufort Inlet in order to intelligently determine the respective availability of each. The report further states, as a conclusion, that before the National Government should embark in the construction of this waterway it should own one or more of the intervening canals and make the same a part of this great highway, to be maintained by the Government and kept open freely to all shipping. I concur most heartily in these recommendations of the engineers.

I now ask the indulgence of the committee to further call attention to some of the facts which go to make up and emphasize the importance of this inland route. From a commercial standpoint, its importance can not be magnified. One of the modern innovations in water traffic has been the construction of freight barges, a number of which are towed by a powerful tug and which are capable of carrying immense quantities of produce.

It is to the further development of this class of shipping that this waterway would be particularly valuable. The estimated value of the coastwise commerce to be immediately affected by this route has been conservatively fixed at \$200,000,000, and the quantity of traffic to be affected is estimated to be at least 10,000,000 tons.

This water route would result in a large saving in tariff rates as compared with the present rates between the North and the South by railroad, and the annual saving to be thus effected is estimated to be between \$750,000 and \$1,000,000 annually. The annual saving of this sum to the coastwise commerce of the country

would be 5 per cent on \$20,000,000, which is four times the estimated cost of this waterway exclusive of the cost of the purchase of one of the canals referred to.

Another distinct advantage resulting from this route would be the reduction in insurance rates both on cargo and shipping. This can easily be calculated by adverting to the difference between marine insurance on cargoes by sailing vessels which navigate our coast around Cape Hatteras and the rate on cargoes shipped by barges through the present insufficient waterway and canal.

Again, the construction of this waterway could be utilized as an additional means of defense in time of war. Upon this point I quote from the report of the engineer:

The inland waterway would afford an interior line of communication in time of war for transportation of supplies and for naval operations by light-draft vessels, such as torpedo boats and destroyers. Its value for such purpose can hardly be estimated, being similar to that of seacoast fortifications, which are rarely actually needed, but when the need arises it is most acute.

This waterway would afford a line of communication with our navy-yard at Portsmouth, Va., and with Fortress Monroe, and our Navy in Hampton Roads. The importance of this proposition has been recognized by engineers who have reported upon this matter in the past and by other eminent men engaged in the service.

I shall not consume the time of the House in discussing in detail the importance of this waterway in connection with local development of the eastern section through which it would pass, although it is by no means the least important of the results to flow from this beneficent enterprise.

The thrifty and progressive towns in eastern North Carolina, such as Elizabeth City, Edenton, Plymouth, Washington, and Newbern, would feel the impulse of this new artery of commerce, and the people of all the tide-water section of North Carolina and of other States thereby affected would be brought in touch with the commerce of our country.

In conclusion, Mr. Chairman, I wish to refer to the national character of this interior waterway. Not only is the section concerned which is tributary to the Chesapeake Bay and the sounds of North Carolina, but every State upon our Atlantic Coast, including even those which border upon the Great Lakes, must feel an interest in this great project. If this waterway shall be established, it will only be one link in a chain which shall connect the city of Boston with Beaufort Inlet, North Carolina.

To make this clear it is only necessary to point to the geography of our Atlantic coast north of the Chesapeake Bay. Going north via Chesapeake Bay, we traverse an ample waterway until we reach a point near the city of Philadelphia, and thence via the Delaware and Chesapeake Canal we reach the Delaware River. Upon this ample stream is located the city of Philadelphia. By going up the Delaware River to Bordenton, N. J., we can cross by a canal to New Brunswick, N. J., on the Raritan River.

From this point there is fine inland navigation to the harbor of New York. From thence by Long Island Sound we reach Buzzards Bay, and the construction of a short canal from this point, which has already been begun, will complete the interior waterway, and thence the route is to Cape Cod and Boston. It will only be necessary for the Government to own and improve these intervening canals to open up this magnificent waterway from the New England States to the South.

But not only would this proposed waterway afford communication along our Atlantic coast States, but it would give them access to the Great Lakes and to the States and cities adjacent thereto. After reaching New York Harbor the magnificent Hudson River leads to the Erie Canal, thus bringing the Great Lakes within easy and cheap communication with all of our Atlantic seaboard.

If the members of this House will study this project in the light of its importance to the country, I believe it will impress itself upon them as a project of national and paramount importance, which is not exceeded by any other that is now under the consideration of Congress, and I ask them to join with me in pressing this improvement upon the attention of the Congress and of the commercial interests of the country.

It is not local in its character, and therefore escapes the criticism which has been directed against other projects. It discriminates against no one, because its benefits extend to every part of the country. It is along the line of the trend of the present thought of the country which seeks to evolve a plan for the easy and cheap transportation of our crude products on the one hand and our bulky manufactured products on the other between the different sections of our country.

It would promote the transportation of lumber and agricultural products from the South, and would give increased facilities for the transportation of coal and other products of the mines and bulky manufactured products from the North and the West.

Upon many of these articles at present the tariff rates are prohibitory, but by opening up this great artery of domestic commerce the interest of all sections of our country would be promoted, our domestic commerce would be increased, and the peoples of our common country would be bound closer together by the bonds

of commerce, which, after all, will afford the surest guaranty of concord and fraternity. [Applause.]

Mr. THOMAS of Iowa. Mr. Chairman, the Committee on Rivers and Harbors, in preparing the bill now before the House, practically ignores the claims of all those interested in the improvement of the Missouri River. The Missouri is one of the great rivers of this country, and within its basin is comprehended a large and intelligent population.

This great river has heretofore been recognized as navigable up as far as Fort Benton, a distance of 1,660 miles above Sioux City, where it strikes the line of the State of Iowa. And for this long reach of river, with its treacherous waters and yielding and crumbling banks, the pending bill carries an appropriation of only \$40,000, to be used in maintenance of improvements already made and in protecting the bank and snagging the river for the facilitation of navigation and commerce—barely enough to provide a snagging boat and send it one trip up and down the river.

While the committee assumes to have found ample justification for making many appropriations for improvements of creeks and duck ponds that have never been considered of sufficient importance to find a place on the maps of the United States, they were not able to see any justification in the appropriation of any considerable amount for the Missouri River.

It may be true that the people interested in the Missouri River ought to be thankful for what is appropriated by this bill, like the old mail carrier of many years ago in northwestern Iowa before the advent of railroads, when that whole country was a bleak, unbroken prairie, storm swept in the winter time.

The old mail carrier was making his trip across prairies with his mail pouch from Fort Dodge to Sioux City, rigged out with a sled with board runners on which was placed an old store goods box, drawn by an old horse with rope gear and line, when out on the prairie, 20 miles from home, in a northwestern blizzard, such as was prevalent in that country at that early day, he met an old friend who accosted him by saying: "Hello, my old friend; how goes it with you out here in this blinding storm?" The old mail carrier, without stopping, answered: "Hard enough, hard enough. But thank the Lord it is as well with me as it is." So it is with those who happen to live on the Upper Missouri; they can thank the Lord and the Committee on Rivers and Harbors that it is as well with them as it is; that that stretch of river is deemed of sufficient importance to be thought worthy of an appropriation of \$40,000.

It is not my purpose to attempt a criticism of the intentions or motives of the Committee on Rivers and Harbors, but to show that it is pursuing an inconsistent policy.

When urged to increase the appropriation for the Missouri River, we are met by the statement that the commerce on that river is not of sufficient importance or magnitude to justify the Government in prosecuting a system of improvements, and that whatever appropriations are made are not in the interest of commerce or navigation, but in the interest of property owners along the banks of the river. If that be true, and the policy of the Government is to limit appropriations solely to the improvement of our lines of commerce, why make any appropriations for this river? Why not limit the appropriations to improvements in the interest of navigation and commerce? Let the committee report a bill carrying appropriations for the improvements of such rivers and harbors only in whose commerce the people generally are interested and that are not confined to the interest of particular localities, and I for one will be ready to support it.

While we are told that appropriations ought not to be made for the improvement of the Missouri River because such appropriations are not in the interests of commerce, but for the benefit of particular localities and individual property owners, yet it is a fact that is not attempted to be denied that the pending bill, as well as every appropriation bill that has been reported by the Committee on Rivers and Harbors for a number of years, carries large appropriations for the special interests of particular localities and individual property owners. This has been the recognized policy of the committee, and that policy is recognized by the pending bill.

I am not standing here urging or justifying or condemning this policy. What I do criticize is the policy, recently adopted, of abandoning the improvements of the Missouri River because it is claimed that that river is not of sufficient commercial importance to warrant appropriations for its improvement, and at the same time maintaining the system of making appropriations at other places for the same purpose that are discarded here.

Mr. Chairman, I am not prepared to advocate the general policy of appropriating money by Congress for the exclusive benefit of particular localities or individuals. I believe such a policy is vicious and ought not to be adopted; but there is a justice in equal distribution of privileges and benefits when they result from the appropriations of public moneys.

Many of the appropriations carried by this bill are for the improvement of small rivers and harbors that pertain only to local

interests, that do not in any manner affect navigation or commerce outside of the immediate locality or State where they are situated. They are a benefit to the people of the State or locality where situated in furnishing convenient and cheaper transportation of local products, just as the building of a railroad or a public highway within a State benefits the people where located by furnishing better and cheaper means of transportation. The same reason that may be urged for the appropriation of public moneys for the benefit of the one may be urged with equal force in favor of the other. If this House find sufficient reason to support these provisions of the bill carrying appropriations for such purposes, then it ought on the same ground support a provision making an appropriation for the Missouri River, as has been done in a small measure in the past.

It has heretofore been the policy of the Government to make appropriations for the Missouri River.

At Sioux City, Iowa, in a distance of several miles, there has already been expended about \$230,000. A plan for a complete system of dikes and revetments has been made by the Government engineers. Under this plan the work has been carried on, but not completed. In its uncompleted condition the work already done is liable to be destroyed by the action of the water and the expenditure already made rendered useless thereby.

The bill now pending proposes to abandon this point, as it is held up between the lower division and upper division of the Missouri River, without recognition anywhere. But suppose it should be included in the upper division, where it has been placed by the engineers or Missouri River Commission, it is still practically left to its fate, because the small appropriation of \$40,000 for the upper division of the river, when distributed over a reach of more than 1,600 miles, will be entirely inadequate for maintenance or protection of the work already done.

The engineer in charge of this part of the work, in his report to the Secretary of War has submitted estimate for maintenance and for continuing the work already commenced.

The engineer says that "for the purpose of economical work in * * * the Sioux City reach, an estimate of \$70,000 (\$50,000 on the Iowa side and \$20,000 on the Nebraska)" is submitted; and for maintenance for the fiscal year ending June 30, 1902, he estimates that there will be required \$2,000 at South Sioux City and \$50,000 at Sioux City.

Sioux City is one of the prosperous and growing cities of Iowa, having a population of more than 33,000. The city stands down close to the river banks. At the time that the improvements of the river front at this point were commenced the current was strongly thrown against the banks and was making rapid inroads toward the business parts of the city.

This has been checked by the dikes and revetments that have been built by the Government, and it does seem that to withhold appropriations and abandon these improvements now in their unfinished condition would be false economy, and would inevitably result in their being washed out and carried away by the swift current of the water in a few years. This is the only protection offered valuable property in the city lying near the river from the swift currents constantly threatening its banks.

At the proper time I shall offer an amendment to the bill making an appropriation for maintenance and protection of the banks of the river and improvement of the harbor at Sioux City, and also an amendment increasing the appropriation for improvements above Sioux City.

Mr. Chairman, there is still another feature of the bill to which I desire to call the attention of the House.

The shore line of the Missouri River lying contiguous to the district which I have the honor to represent is about 70 miles in length. In that distance the course of the river is very crooked and the current quite rapid. Owing to the short bends in the river the current, in some places, is thrown with great force against the banks. Along the river, on the Iowa side, the bottom is from 5 to 25 miles wide. The soil is a deep sandy loam, and is as productive of all the cereals capable of being produced in this climate as any land in the United States. The whole bottom along the river consists of well-improved farms occupied by an intelligent, industrious people.

For the purpose of ascertaining the condition of the river along this line I examined these localities some time ago and found places where whole farms had been cut away by the current. One farmer who owned as fine a farm as could be found in the State had moved his residence and farm buildings three times within the last eighteen months to keep them from going into the river, and still the current kept biting away the land so as to again endanger his buildings. While I was there I saw a large strip of the land give way to the encroachments of the current and drop into the river and was carried away to form a bar somewhere lower down. I have been informed of one quarter section of land of 160 acres on which there was a mortgage. The mortgage remaining unpaid, the mortgagee brought an action to fore-

close, and while the suit was pending the river, with its rapid current, stole away seven-eighths of the land and left but 20 acres.

In some instances these ravages could be stopped by a rectification of the banks and course of the stream without great expense; in others by booms and mattresses erected to break the force of the current or change its course. Many of the farmers were pioneers in this country and have endured all the privations and hardships of pioneer life. They are more deeply interested in the protection of their property and will be more directly affected by improvements and rectification of the river at these points than are the people living in the localities where some of the appropriations provided for by this bill are to be expended. And the improvements here pointed out are just as essentially a public improvement as the latter.

The Missouri River is and always has been recognized as a navigable stream, and as such is subject to the navigation laws of the United States. Individuals have no right to go into this river without the consent of the Government and put down booms, mattresses, dikes, or revetments, so as to rectify the course of the stream or change its course. Yet the bill before the House offers nothing for the protection of this property.

When the bill is considered by sections, at the proper time I shall offer an amendment raising the appropriation for improving the Missouri River below Sioux City to \$600,000, which I shall follow by another amendment making the appropriation also available for a rectification of the course of the river and the reenforcement of its banks.

If we adopt the view of the committee that the appropriation for the improvements of the Missouri River is not made in the interests of commerce, but for the protection of property located along the banks, then it is certainly true that in justice to all a portion of this appropriation, under the discretion of the Secretary of War, ought to be devoted to the purpose designated by such proposed amendment. I appeal to the members of this House to do justice to these people. If the policy adopted by the Committee on Rivers and Harbors and outlined by this bill is sustained, then carry out its provisions by doing equity to all persons and communities where at least it may be done, if such a thing as equity or right is to be found in the bill; and if it can not be found there, then give it a show of equity by equalizing as far as possible the benefits to accrue from it.

If the appropriation carried by the bill for the Lower Missouri is not for the facilitation of navigation or the promotion of commerce, but for the protection of property along the line of the river, then let the authority be vested in the Secretary of War, under whose supervision the expenditure is to be made, to apply it where, in his judgment, it is most needed. Let the bill be so reformed that the appropriation, or a part of it, may be used to rectify the course of the river and reenforce and strengthen its banks.

The bill now pending seems to confine the appropriation to "continuing improvements" that have already been commenced, "as the Secretary of War may designate."

The proposed amendment, if adopted, will vest in the Secretary of War the authority to use the appropriation on other portions of the river as well, if in his judgment it is practicable to do so.

The appropriation is not large, but what there is of it should be applied at such places along the river where it is most needed, and that it may be properly applied the question of designation is proposed to be left to the discretion of the Secretary of War. [Loud applause.]

Mr. RUCKER. Mr. Chairman, I hope the amendment to this bill which my colleague [Mr. SHACKLEFORD] will offer at the proper time will be accepted and adopted. I trust the honorable gentlemen composing the Committee on Rivers and Harbors will not antagonize it; but if they do, with due respect to the committee, I appeal to the members present each to discharge his duty. I believe that the supreme obligation of each member on this floor is to act in accordance with his own convictions of right, and that he owes no duty to follow the wishes or recommendations of a committee unless they are sustained by sound reason and founded upon principles of justice and equality.

For one, I propose to represent my constituents and voice their sentiments in voting for this amendment.

The fact that the 17 States represented on the Committee on Rivers and Harbors have been well cared for—indeed, that a very large part of the colossal sum appropriated and authorized by this bill goes to those States—has been severely criticised on this floor. These criticisms have gone abroad to the country. Whether they are just or unjust, the people will determine, regardless of the action of this House. That millions upon millions of dollars have been appropriated in response to the demands of certain localities, and that urgent and more modest requests which reached this committee from other localities—less favored, perhaps—have been summarily refused, has practically been admitted in the course of this debate.

This bill carries a direct appropriation of \$22,792,711.30 and authorizes the making of contracts to the amount of \$37,142,704

more. If the action of the committee in devoting so large a part of this direct appropriation to the States represented on the committee furnishes just provocation for criticism or occasion for surprise, then, in my judgment, its action in distributing the benefits which are to flow from the expenditure of the sum authorized to be used is sufficient cause for alarm. The \$22,792,711.30 directly appropriated is not distributed as equitably as it should be, but still 35 States and the District of Columbia share it. But of the larger sum authorized by this bill to be expended the sum of \$29,541,853 will be expended within 20 States, 14 States represented on this committee receiving \$24,817,896 of this sum.

The committee has passed judgment, as it were, on its powers and duties, construed them strictly, and determined that it can or will recommend appropriations for the improvement of rivers and harbors in those cases only where there is great or considerable traffic by boat. It seems to have overlooked the fact that many of the navigable rivers to-day were unnavigable, wholly so, until after the expenditure of vast sums of money. Even where millions have been spent millions more are demanded and often required.

We appealed to this committee for a reasonable appropriation for one of the great rivers of the country—one that has been a great highway of commerce, and would be to-day if not neglected—and we are told the tonnage of freight carried on the Missouri River is too small to justify the appropriation of a sum sufficient to do the work, and as a kind of consolation they offer the beggarly sum of \$340,000 to improve a river nearly 3,000 miles in length, upon the banks of which preside some dozen of the proud cities of the West, and whose waters flow through or lash the shores of a group of splendid States that constitutes the great producing section of this Union.

If the proposed amendment is adopted, much can be done toward reclaiming this river and building up a traffic upon it; and incidentally, by confining the river to its usual and proper channel, the magnificent homes of the sturdy farmers who reside along its shores, representing as they do in many instances the toil, hardships, and accumulations of a lifetime, would be protected.

Will this House, so lavish in other matters, deal in a niggardly spirit with the noble people who have erected their homes along this mighty river, who have done so much toward the material development of the great West and Northwest, and who are as justly entitled to the bounty of the Government, nay, more entitled than many of the beneficiaries of this bill? This Congress has appropriated millions for the benefit of great corporations; millions more are induced by a sentiment to beautify the national capital; is prodigal in its appropriations for Government buildings, but seems to hesitate in a matter affecting the interests and welfare of a great mass of people who inhabit the region to which I have referred.

Against the recommendations of this committee I array the reports of former Committees on Rivers and Harbors and the action of this House upon those reports.

Conscious that a just and intelligent constituency will suffer irreparable loss and damage if this river is abandoned, and confident that I reflect their wishes, I shall vote to amend the committee bill so as to make the appropriation for the Missouri River between Sioux City and its mouth \$600,000 instead of \$300,000, and to strike out the part of the bill that proposes to abolish the Missouri River Commission.

The CHAIRMAN. The gentleman from Missouri is recognized for fifteen minutes.

Mr. BARTHOLDT. Mr. Chairman, in the short time allotted to me I desire to call the attention of the committee to what must be termed a new policy recommended in this bill with regard to the Missouri River. It is the policy of the unnatural mother who does not kill the child outright, but permits it to die of the slower process of starvation. Since the creation of the Missouri River Commission, in 1884, the annual appropriation for that great river amounted to from \$700,000 to \$800,000.

The last appropriation under the jurisdiction of the present Committee on Rivers and Harbors was—how much do you suppose? Not one dollar. In the other House \$250,000 were inserted, and the conference committee finally acquiesced in this concession. This year \$340,000 are proposed to be appropriated. This means that the system of permanent improvement is to be abandoned, for it can be easily shown that this amount will not permit of any new work, it being barely sufficient to properly protect the actual improvements already made.

And if a further proof were necessary that it is really the purpose of the committee to abandon the river, it would be found on page 76 of the bill, where it is proposed to abolish the Missouri River Commission; in other words, to dispense with the services of men who have made the peculiarities of that river a life study, and, after sixteen years of experience, are ready to demonstrate to the satisfaction of all who take a real interest in the Missouri, that its systematic improvement is not only possible, but practicable,

and at a cost not exceeding similar improvements of other river courses. And the proposition just referred to is seriously made in the face of the fact that the existence of the Missouri River Commission causes very little additional expense, because most of its members are simultaneously serving on the Mississippi River Commission, so that at present the Government really has the benefit of two services for only one salary.

In the light of these facts the proposition of the committee permits, as I said before, of only one explanation. The Missouri River is to be abandoned. The policy wisely and bravely inaugurated in 1884, by which notice is served on the civilized world that American engineering skill is equal to the most difficult tasks, is to be changed into one of meek surrender. We are asked to join the committee in a declaration that our previous policy was all a mistake; that we thought we were as equal to the emergency of overcoming the obstacles of nature as former generations have been, but that we have recently been seized by a degree of impotency which compels us to confine our exertions to the improvement of creeks and the dredging of harbors. But the Missouri? No, that is too large a proposition for a generation of pygmies such as we are!

Such is the report of the committee. And what are the reasons assigned for this change of policy? The tonnage is too small, it is said. The freight carried in 1899 amounted to only 286,000 tons. Why, there are some creeks in the East, they say—I can not pronounce their names—which carry a larger tonnage than the Missouri River. Possibly so, Mr. Chairman. But I should like to know whether you, or the Committee on Rivers and Harbors, or anyone else, would undertake to run a railroad train before the roadbed is constructed and the rails are laid? The reason why there is little or no traffic on the Missouri is because the river has not yet had the benefit of systematic improvement. It is because from the time of the discovery of America up to nearly 1880 no improvement was attempted.

This was excusable in the early periods of our history, but after the Republic had been securely established against outside interference, after internal improvements had become so pressing that they became part of a national policy supported by both parties, after American skill and enterprise had seized upon our great waterways as the cheapest means of transportation, after the supreme necessity of their improvement had been recognized by appropriation after appropriation, after all that, to seriously propose that we relapse into barbarism, that we make a sacrifice of the ten millions already expended, that we refuse to pave that way for the commerce of the great West and Northwest which nature has already provided—that, gentlemen, would be a beginning of the new century of which we ought to be heartily ashamed.

The committee says there is now no traffic on the Missouri River, and in the same breath it decrees that there shall be none in the future by denying us the only means of securing it.

It is difficult, perhaps, to correctly estimate the amount saved to the farmers and producers of the West by the policy and the determination of former Congresses to improve the Missouri River. That it exceeds by far the sums expended for such improvement is reasonably certain. The very minute you decide here to abandon the river will surely mark the time of a general increase of railroad freight rates all along the line. This phase of the question was lucidly presented to the committee by a member of this House. It is strange, indeed, that this argument alone should not have been sufficient to deter the committee from the course it has decided upon.

But there is still another very important consideration. In a statement given out, upon the solicitation of a St. Louis newspaper, by the president of the Missouri River Commission, Col. Amos Stickney, part of which I shall incorporate in my remarks, I find the following:

In a distance of only 18 miles in the vicinity of Jefferson City, Mo., the area of new land formed by the rectification works amounted to 5,500 acres, and the area of land protected was 12,800 acres. Computing this at a fair price of \$50 per acre, the sum of \$915,000 was added to the wealth of the country, as incidental to the improvement of navigation.

This is on the stretch of the river where the commission had started to carry out its plans for permanent improvement, between Jefferson City and the mouth. The money expended here proved a splendid investment for the country, technically as well as financially, and it was not spent for the protection of private property in land, but solely for navigation purposes.

It seems the commission is being blamed for the policy of protecting the banks, for which, it is true, large sums have been expended. But in reality whose fault was it? The commission and especially President Stickney, that most excellent river engineer, has always protested against the diversion of the general appropriation to special points, but without avail. Congress simply ordered the commission to dozens of different points without regard to the continuity of the work, and as a result the amounts

which should have been devoted to purposes of systematic and permanent improvement were frittered away to do piecemeal work here, there, and elsewhere. The policy which the committee complains of is the fault of Congress and not of the commission, yet it is proposed to punish the commission for what Congress has done.

Here the question presents itself: Is the policy of protecting lands incidental to the improvement of navigation a mistaken policy? The committee, in endeavoring to answer the question, say:

While not assuming to decide whether such expenditures are proper subjects for appropriation by the Federal Government, the members of the committee are clearly of the opinion that such expenditures do not properly belong to a committee whose province is to recommend appropriations for the improvement of rivers and harbors.

But if this be true, why does the same committee authorize appropriations for the construction of levees and the protection of lands on the Lower Mississippi? Mind you, I am not opposed to these appropriations; but why this discrimination? If it is right and proper to protect the land of the Southern planter, why should it not also be right and proper to protect the land of the Missouri farmer? In my own district the town of New Haven, or at least the lower portion of it, is in immediate danger of being swept away.

I presented the case to the committee as best I knew how, but the answer is that the committee has no jurisdiction, while at the same time it provides very liberally against just such contingencies on the Lower Mississippi. Is not this just a little inconsistent? The Committee on Rivers and Harbors has assumed jurisdiction over all the cases of levee appropriations, although there is a committee of this House, of which I have the honor to be a member, especially created for that purpose. If that jurisdiction is doubtful, either from a parliamentary or constitutional point of view, in all cases which involve the protection of lands, why is it that the committee is claiming and exercising it in one case and denying it in the other, although they are parallel cases?

In conclusion, let me suggest, Mr. Chairman, that a bill carrying over \$20,000,000 of immediate appropriations for rivers and harbors, without at the same time properly providing for the largest river of the country, will be justly regarded as an anomaly by the American people. If the great Missouri, with its thousands of miles of length and with sufficient water, if properly cared for, to carry the largest boats from the Northwestern grain fields to the Gulf, is not deserving of the attention of the National Government, surely no other river is, and I say not a dollar of expenditure for the rivers of the country is justifiable if the improvement of the Missouri should be deemed unwarranted.

Half a dozen States and many millions of people are interested in this question, and when they learn what it is proposed to do here a hurricane of protests will sweep down upon this House. We know that the Missouri can not be improved in one generation, but this is surely no reason why we should give up the task after sixteen years of practical work has demonstrated the feasibility of the improvement beyond the shadow of a doubt. If those living to-day can not finish the job, those living to-morrow will take it up where we left off; and, in my judgment, it is the bounden duty of each generation to contribute its share toward the final consummation of the great object. The above-mentioned statement of Col. Amos Stickney, the president of the Missouri River Commission, is in part as follows:

The first works undertaken by the Government on the Missouri River below the mouth of the Yellowstone were at Nebraska City and at St. Joseph, under small appropriations made in 1876. Subsequently other appropriations were made for these and other localities, until in 1881 there were fourteen separate localities where work had been ordered, scattered from St. Charles to Vermilion, over a distance of 830 miles.

In 1881 a plan for the systematic improvement of the river from the mouth to Sioux City was submitted by Major (now Colonel) Suter, and in 1882 Congress appropriated \$850,000 for the general improvement of the river, and a large plant for the work was prepared. In 1884 the Missouri River Commission was created to take charge of the work, and \$640,000 was appropriated.

INSUFFICIENT APPROPRIATIONS.

In the first report made by the commission, in December, 1884, a general plan was outlined. It was now hoped that a thorough improvement of the river had been inaugurated and would be vigorously prosecuted. The commission concentrated their efforts as much as possible upon the reach of river in the vicinity of Kansas City, and urgently recommended in their reports that not less than \$1,000,000 per year should be appropriated for continuous work from Kansas City down. The recommendations of the commission, however, were not carried out. In the appropriation years of 1884, 1886, 1888, \$2,015,000 was appropriated, of which less than \$600,000 could be expended on the continuous work—that is, for the six years from 1884 to 1890, less than one-tenth of the amount asked by the commission was provided for the systematic work.

In the act of 1890 Congress directed that the appropriation of \$800,000 made that year should, with certain specified exceptions, be expended in the systematic improvement of the river from its mouth up, in reaches, to be designated by the commission and approved by the Secretary of War. Under this act the river from its mouth to Sioux City was divided into six reaches. The first reach extended from the mouth of the river to the mouth of the Osage, about 142 miles. By the terms of the act it became necessary to suspend operations, commenced in the vicinity of Kansas City, and at large expense move all of the plant several hundred miles down river to begin over again the work of systematic improvement at the head of the first reach. In 1891

the new start was made, though a considerable portion of the appropriation of 1890 was necessarily reserved to prevent destruction of work previously started up the river.

HOW IMPROVEMENT IS PROFITABLE.

In 1892 the appropriations were made continuous for four years, amounting in the aggregate during the four years to \$2,710,000, of which about three-fourths was applicable to the systematic work. With this provision work was carried on vigorously with a large plant, operating on a continuous stretch of 45½ miles of river, extending from a point about 14 miles above the mouth of the Osage down to the mouth of the Gasconade. This was, perhaps, one of the worst stretches on the river. The success of the work was marked. A deep navigable channel was formed and the banks aligned and built up. In a distance of only 18 miles in the vicinity of Jefferson City the area of new land formed by the rectification works amounted to 5,500 acres, and the area of land protected was 12,800 acres.

Computing this at a fair price of \$50 per acre, the sum of \$915,000 was added to the wealth of the country, as incidental to the improvement of navigation. The cost of this work was about \$44,500 per mile, about the same per mile as is estimated for the improvement of the Mississippi from St. Louis to Cairo. A continuation of the work would undoubtedly have developed a lessening of cost per mile.

In the river and harbor act of 1896 the appropriation for the Missouri River below Sioux City was cut down to \$300,000 and provisoes added calling for work at nine different localities other than that at which the systematic work was in progress. This was the beginning of a virtual abandonment by Congress of the purpose to make an effective, general improvement of the river for navigation. In 1897, 1898, 1899 the appropriations were \$300,000 per year, and in 1900 \$250,000. In the five appropriation acts 1896 to 1900 seventeen detached localities were named where work was to be performed, one of which was in the Kaw River.

DETACHED WORK NOT PERMANENT.

The effect of this large reduction of appropriations and scattering of the small amounts available to points from Omaha to Pelican Bend, a distance of 650 miles, was, of course, disastrous to effective work for improvement of the river, and very embarrassing to the commission and the officers charged with the execution of the work. The systematic work on the first reach came to a complete stop. The unit cost of the various kinds of work was largely increased on account of the necessity for moving steamboats, barges, pile drivers, and various other items of plant over long distances, and returning them again to the boat yard at Gasconade, or making expensive provision for their care at other points during the winter season. The working plant became depleted, there being no funds available for renewals. The frequent disorganizing and reorganizing of working forces, in taking up separate pieces of work, was also very expensive. The work done at these localities was largely detached work—that is, not connected with any other work or with fixed points—and subject to destruction by changes in the flow of the river above and about them.

What is absolutely necessary for a proper control of the river and for the permanency of works is that the regulation should be continuous downstream, so that works once placed shall not be destroyed or rendered useless by changes in the approach of the flow from above. On account of the soft material of its bed and banks and its great flood velocities, the control and regulation of the Missouri River is as difficult, perhaps, as that of any river in the country, excepting possibly the Lower Mississippi, where the forces to contend with are greater. The difficulty consists almost entirely in making the works stand on such an unstable foundation, and many devices have been tried in their construction. That works can be made to stand and that the river can be fully controlled and regulated has been abundantly proven by the work done by the commission, and at a cost that is not excessive when compared with other river improvements.

NEED OF SUSTAINED INTEREST.

The work done in the systematic and continuous general improvement on the first reach, in accordance with the Congressional act of 1890, covered 45½ miles of river, from just above Jefferson City down to the mouth of the Gasconade River. The work was entirely successful, in accordance with the adopted plan, and covered nearly one-third of the reach, when, in 1896, interest in the work seemed to subside and appropriations were cut down, on the ground that there was no considerable commerce. It was a well-known fact, before commencement of work, that boats could not be profitably employed on the river in its natural state, and that was the principal reason for improving. It came to be an admitted fact, also, that a continuous improvement must be made to be effective. As the principal part of the expected commerce on the lower part of the river must pass the mouth of the river into, or out of, the Mississippi, it is not clear what commerce could have been expected before the opening of the river to its mouth. Let us suppose that a railroad were projected, over which, when it should be completed, a large through traffic was assured; the building of a few miles of the road, unconnected with its outlet, would hardly be expected to produce returns commensurate with its cost.

It has not been considered the province of the Missouri River Commission to urge the appropriation of money for the improvement of the river. It is our duty to furnish information and to carry on to the best of our ability the work for which Congress sees fit to provide. The general improvement of the river, opening it to commerce and carrying with it as an incident the complete protection and great enhancement in value of all property along its banks, is a matter to be urged by the people of the Missouri Valley, whose interests are involved, if it is to be urged by anyone. Congress and its committees, having consideration of national improvements, certainly can not be expected to provide means for improvements for which there is no pressing demand by those who might be expected to be interested.

The present chairman of the River and Harbor Committee of the House, as well as his predecessor, informed me that while many appeared before the committee asking for appropriations for the Missouri River, it was a rare thing for anyone to ask for the general improvement of the river. Requests were confined to asking for protection of various points, and the committee was decidedly of the opinion that mere protection of land or other property, unless incidental to the general improvement of the river for commerce, was inadmissible.

APPROPRIATIONS LOCALIZED.

Amidst the general apathy concerning the systematic work on the river, there have been intermittent efforts by a few to carry it on, and the commission has constantly urged that the effective improvement by continuous work should not be defeated by the dispersion of funds to various scattered localities.

The efforts to localize appropriations during the past few years have, however, prevailed to such an extent as to completely paralyze the general work. As a natural consequence, the effective improvement of the river will probably be postponed until such time as there will be an awakening of public sentiment to the desirability of its accomplishment. That the work will be done some time I think hardly admits of a doubt. In the meantime, probably

Congress will be forced to yield to demands for fragmentary, disconnected works which, in the aggregate, will cost more than a complete improvement, and still there will be no commerce on the river.

With regard to prospect of making permanent improvements which will assure a deep navigable channel, I answer unhesitatingly that such improvements can be made to not only give ample channels at the lowest stages of the river, but to add millions of dollars to the value of property in the valley. As to the prospect of making them, however, I can only reply that it lies with the people of the Missouri Valley.

Mr. BURTON. Mr. Chairman, I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13189, and had come to no resolution thereon.

Mr. BURTON. Mr. Speaker, I ask unanimous consent that general debate upon the bill which has just been considered by the committee (H. R. 13189) come to a close at 2 o'clock on Monday, or on the next legislative day on which this bill is before the House.

The SPEAKER. The gentleman from Ohio asks unanimous consent that general debate upon the bill that has just been considered in Committee of the Whole House on the state of the Union be closed at 2 o'clock on Monday next, or the next legislative day. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

DEATH OF HON. FRANK G. CLARKE.

The SPEAKER. The Chair submits the following letter for the information of the House:

STATE OF NEW HAMPSHIRE, EXECUTIVE DEPARTMENT,
Concord, January 10, 1901.

SIR: It is my painful duty to inform you of the death of the Hon. FRANK G. CLARKE, Representative from the Second district of New Hampshire in the Fifty-fifth and Fifty-sixth Congresses of the United States, which occurred at his home in Peterboro on January 9.

Congressman CLARKE was held in high esteem by the people of his district and of the State. His public career as speaker of the New Hampshire house of representatives, member of the State senate, and Representative in Congress has been alike creditable to him and to our State, and his private life has been such as to win for him universal respect. His death is mourned by all classes of our citizens.

Yours, very sincerely,

CHESTER B. JORDAN,
Governor.

Hon. DAVID B. HENDERSON,
Speaker of the House of Representatives,
Washington, D. C.

The SPEAKER. This communication will be duly noted in the Journal.

Mr. BURTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 48 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an additional estimate of appropriation for armament of fortifications—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an additional estimate of appropriation for buildings at Governors Island—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Bettie A. Aldrich, administratrix of estate of Thomas W. Wilson, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of C. T. Wilson, administrator of estate of Philip Mathews, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George N. Small against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, with accompanying documents, recommendation that Henry C. Claiborne, light keeper, be reimbursed for losses—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Navy, recommending the

establishment of a light-house at Cape Romano, Florida—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. OTEY, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3205) for the relocation of certain tracks of street railways in the District of Columbia, reported the same without amendment, accompanied by a report (No. 2275); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 11648) to provide for the closing of part of an alley in square 169, in the city of Washington, D. C., and for the sale thereof to the Young Men's Christian Association of the city of Washington, reported the same without amendment, accompanied by a report (No. 2276); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13039) authorizing the Dewey Hotel Company to construct and maintain an electric and steam conduit on Stanton alley, reported the same with amendment, accompanied by a report (No. 2277); which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 123) to amend the act entitled "An act to amend the criminal laws of the District of Columbia," approved July 8, 1898, reported the same without amendment, accompanied by a report (No. 2278); which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 12284) authorizing construction of bridge, reported the same with amendment, accompanied by a report (No. 2279); which said bill and report were referred to the House Calendar.

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 11881) to amend an act entitled "An act for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons, in the District of Columbia," reported the same without amendment, accompanied by a report (No. 2280); which said bill and report were referred to the House Calendar.

Mr. PEARRE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 13067) to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes, reported the same with amendment, accompanied by a report (No. 2281); which said bill and report were referred to the House Calendar.

Mr. MUDD, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 13279) to enable the directors of Providence Hospital to increase the accommodations of that institution, reported the same without amendment, accompanied by a report (No. 2282); which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 13469) granting a pension to Perry Abbett, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ALDRICH: A bill (H. R. 13500) to develop the interstate and foreign commerce of the Mississippi Valley—to the Committee on Interstate and Foreign Commerce.

By Mr. OTEY: A bill (H. R. 13501) for the relief of gaugers, storekeeper gaugers, and storekeepers—to the Committee on Ways and Means.

By Mr. PEARSON: A bill (H. R. 13502) for the purchase of a national forest reserve in the Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. LITTAUER: A bill (H. R. 13503) relating to compensation of fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. LAMB: A joint resolution (H. J. Res. 293) directing a suitable shaft to be placed at the grave of George Wythe—to the Committee on the Library.

By Mr. HEDGE: A resolution (H. Res. 356) directing the Clerk of the House to pay out of the contingent fund of the House a certain sum of money to Daniel M. Reiter for services—to the Committee on Accounts.

By Mr. GLYNN: A resolution (H. Res. 357) setting forth the protests of merchants, bankers, and business men of Salt Lake City against the proposed site of the Federal building in that city, and asking for a committee to investigate the different sites—to the Committee on Public Buildings and Grounds.

By Mr. GILLET of New York: A resolution (H. Res. 358) to pay Oscar Hill and Harrison Crane the difference between the pay of a folder and that of messenger during the present Congress—to the Committee on Accounts.

By Mr. BULL: A resolution (H. Res. 359) to pay Joseph H. Johnson the sum of \$64.10—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 13504) for the relief of Catherine Pfueger—to the Committee on Pensions.

By Mr. BERRY: A bill (H. R. 13505) for the relief of certain officers and men who served as volunteers during Kirby Smith raid—to the Committee on Military Affairs.

By Mr. BRUNDIDGE: A bill (H. R. 13506) granting a pension to Alfred M. Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13507) granting a pension to Silas R. Harris—to the Committee on Invalid Pensions.

By Mr. COONEY: A bill (H. R. 13508) granting a pension to Tim Clifford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13509) granting a pension to William Ridge—to the Committee on Invalid Pensions.

By Mr. CROWLEY: A bill (H. R. 13510) granting a pension to Robert Bryant—to the Committee on Invalid Pensions.

By Mr. STANLEY W. DAVENPORT: A bill (H. R. 13511) for the relief of Abram G. Hoyt—to the Committee on Claims.

By Mr. FARIS: A bill (H. R. 13512) to increase the pension of Benjamin F. Bolen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13513) granting an increase of pension to George Burton—to the Committee on Invalid Pensions.

By Mr. GASTON: A bill (H. R. 13514) granting an increase of pension to George E. J. Hasson—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 13515) granting an increase of pension to William Clark—to the Committee on Invalid Pensions.

By Mr. HOFFECKER: A bill (H. R. 13516) to remove the charge of desertion from the military service of John Gilsenen—to the Committee on Military Affairs.

By Mr. KETCHAM: A bill (H. R. 13517) to remove the charge of desertion from the record of John Roberts, Company E, Thirtieth Regiment New York Infantry Volunteers—to the Committee on Military Affairs.

By Mr. McCALL: A bill (H. R. 13518) to correct the military record of Seth Bonney—to the Committee on Military Affairs.

By Mr. MIERS of Indiana: A bill (H. R. 13519) granting an increase of pension to William M. Guy—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 13520) granting an increase of pension to Cornelia Hays—to the Committee on Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13521) for the relief of the estate of Alfred Hambrick—to the Committee on War Claims.

Also, a bill (H. R. 13522) for the relief of the estate of Bradford Hambrick—to the Committee on War Claims.

By Mr. RUSSELL: A bill (H. R. 13523) granting a pension to Mary A. Brown—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 13524) for the relief of John W. Brooks—to the Committee on War Claims.

Also, a bill (H. R. 13525) granting an increase of pension to Capt. John B. Calhoun—to the Committee on Pensions.

By Mr. SMALL: A bill (H. R. 13526) for the relief of the estate of Solomon N. Adams and James W. Adams—to the Committee on War Claims.

By Mr. VANDIVER: A bill (H. R. 13527) granting a pension to Michael Scherer—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 13528) granting a pension to John W. Eichelberger—to the Committee on Pensions.

By Mr. VREELAND: A bill (H. R. 13529) granting a pension to Polly M. Johnson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMSON: Resolutions of the city council of Columbus, Ga., favoring an appropriation in behalf of the Southern States and West Indian Exposition at Charleston, S. C.—to the Committee on Appropriations.

Also, petition of C. L. Shaffer and other railway postal clerks of the State of Illinois favoring the bill for the reclassification of the railway mail service—to the Committee on the Post-Office and Post-Roads.

By Mr. ALEXANDER: Petition of citizens of Buffalo and the Christian Endeavor Society of Emanuel Baptist Church, of Buffalo, N. Y., urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. BABCOCK: Resolution of University of Wisconsin College of Engineering, favoring the passage of House bill No. 11350, to establish the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

By Mr. BARTHOLDT: Resolution of the Bar Association of St. Louis, Mo., in relation to the jurisdiction of district and circuit courts of the United States—to the Committee on the Judiciary.

By Mr. BERRY: Petition of J. P. Hunt, of Covington, Ky., in relation to the military service of the Forty-first Regiment Kentucky Volunteer Militia—to the Committee on Military Affairs.

By Mr. BRICK: Petition of the internal-revenue gaugers, storekeepers, etc., of the Sixth collection district of Indiana, for sufficient appropriation to provide for their vacation without loss of pay—to the Committee on Appropriations.

By Mr. BRUNDIDGE: Papers to accompany House bill granting a pension to Silas R. Harris—to the Committee on Invalid Pensions.

Also, statement to accompany House bill granting an increase of pension to Alfred M. Wheeler—to the Committee on Invalid Pensions.

By Mr. BURKE: Resolutions of the South Dakota School of Mines and the University of South Dakota, favoring the passage of House bill No. 11350, to establish the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of Sergeant Britton Garrison, No. 174, of Fort Meade, S. Dak., relating to the admission of soldiers and sailors in Soldiers' Homes—to the Committee on Military Affairs.

By Mr. CROWLEY: Papers to accompany House bill granting an increase of pension to Robert Bryant—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to John B. Calhoun, of the National Soldiers' Home, Hampton, Va.—to the Committee on Pensions.

By Mr. GLYNN: Protest of merchants, bankers, and citizens of Salt Lake City, Utah, against the proposed site for the Federal building in that city—to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM: Petition and affidavits to accompany House bill granting an increase of pension to William S. Hosack, of Company G, Seventy-eighth Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. HOFFECKER: Papers to accompany House bill to remove the charge of desertion from the military record of John Gilsenen—to the Committee on Military Affairs.

By Mr. JOY: Memorial of the Bar Association of St. Louis, Mo., in relation to the celebration of "John Marshall Day"—to the Committee on the Judiciary.

By Mr. KETCHAM: Petition of C. W. Penny and 17 other citizens of Patterson, N. Y., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. MIERS of Indiana: Papers to accompany House bill granting an increase of pension to William M. Guy, of Washington, Ind.—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Resolutions of the California Water and Forest Association, for the creation of the Stony Creek forest reserve—to the Committee on the Public Lands.

By Mr. SALMON: Petition of citizens of the Fourth Congressional district of New Jersey, favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. SHACKLEFORD: Petition of John W. Brooks, son and heir of Isaac Brooks, deceased, late of the State of Missouri, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. SIMS: Resolutions of the Central Labor Union of Knoxville, Tenn., in opposition to Senate bill No. 727, known as the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. VANDIVER: Petition of Michael Scherer, to accompany House bill to place his name on the pension roll—to the Committee on Invalid Pensions.